

Please Note: These transcripts are not individually reviewed and approved for accuracy.
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CALIFORNIA SHORTHAND REPORTING

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1 TUESDAY, APRIL 27, 1999

9:30 O'CLOCK A.M.

2 ---oOo---

3 I. CALL TO ORDER

4 CHAIRMAN EATON: GOOD MORNING, EVERYONE, AND
5 WELCOME TO THE APRIL 27TH MEETING OF THE CALIFORNIA
6 INTEGRATED WASTE MANAGEMENT BOARD.

7 A FEW NOTES. THIS WILL BE THE
8 FIRST DAY OF A THREE-DAY BOARD MEETING. FOR
9 MANY OF YOU, YOU KNOW AS WE GET TOWARDS THE END OF OUR
10 FISCAL YEAR IT'S ONLY THE MIDDLE OF THE CALENDAR-WISE, BUT
11 FISCALLY IT -- AS IT COMES TO THE MIDDLE THERE'LL BE MORE
12 AND MORE BUSINESS AT HAND. WE'VE TRIED TO MAKE IT EASY ON
13 THE PEOPLE WHO MAY COME BEFORE THE BOARD BY SEGREGATING THE
14 MATTERS OUT OVER THREE DAYS, SO THAT YOU'RE NOT SITTING HERE
15 WAITING FOR YOUR ITEM TO COME UP AND BECAUSE ANOTHER ITEM
16 HAS TAKEN LONGER YOU'LL HAVE TO COME BACK A SECOND DAY. SO,
17 PART OF THE CALENDARING IS TO AVOID THOSE SORTS OF
18 SITUATIONS.

19 II. ROLL CALL AND DECLARATION OF QUORUM

20 CHAIRMAN EATON: SO, WITH THAT IN MIND, MADAM
21 SECRETARY, WOULD YOU PLEASE CALL THE ROLL?

22 THE SECRETARY: BOARD MEMBERS JONES?

23 MEMBER JONES: HERE.

24 THE SECRETARY: PENNINGTON?

1 MEMBER PENNINGTON: HERE.

2 THE SECRETARY: ROBERTI?

3 MEMBER ROBERTI: HERE.

4 THE SECRETARY: CHAIRMAN EATON?

5 CHAIRMAN EATON: HERE.

6 ALL RIGHTY. ANY BOARD MEMBERS HAVE ANY EX
7 PARTES? I'LL START WITH MY COLLEAGUE ON MY LEFT, ONLY FOR
8 IDENTIFICATION PURPOSES ONLY, MR. PENNINGTON, NOT
9 PHILOSOPHICAL.

10 MEMBER PENNINGTON: THANK YOU, MR. CHAIRMAN. I
11 HAD AN E-MAIL FROM GARY LISK (PHON) ON AGENDA ITEM 27 IN
12 SUPPORT OF THE BOARD'S SPONSORSHIP OF SECOND CHANCE WEEK. I
13 MET WITH KEVIN HADRICK (PHON) WITH DEL NORTE COUNTY
14 REGARDING THE RURAL COOPERATIVE CONTRACT IN ITEM NO. 20.
15 THE LETTER FROM FRANK LYNCH, SUPERINTENDENT OF WEST SONOMA
16 COUNTY UNION HIGH SCHOOL DISTRICT REGARDING ITEM 32. AND I
17 WAS JUST HANDED A LETTER FROM CREEKMAN AND OWINGS (PHON) OF
18 SACRAMENTO COUNTY THAT IS ADDRESSED TO YOU, AND I HAVEN'T
19 READ IT YET.

20 CHAIRMAN EATON: AND JUST FOR THE RECORD, THAT IS
21 JUST TO ME, AND HAS BEEN PASSED OUT TO EACH AND EVERY BOARD
22 MEMBER REGARDING ITEM NO. 2 ON TODAY'S AGENDA.

23 MR. JONES.

24 MEMBER JONES: MR. CHAIRMAN, JUST TWO QUICK ONES,

1 THE REST OF MINE ARE UP TO DATE. JUST A QUICK HELLO TO
2 STEVE MAGUIN AND TALKING WITH JIM CERMAK FROM SACRAMENTO
3 COUNTY.

4 CHAIRMAN EATON: SENATOR ROBERTI, ANYTHING?

5 MEMBER ROBERTI: JUST THAT LAST FRIDAY, LAST
6 THURSDAY, EXCUSE ME, I SPOKE TO GLASMA ON ITEMS OF CONCERN
7 TO THEM AT THEIR BIMONTHLY MEETING.

8 CHAIRMAN EATON: GREAT. AND I'M UP TO DATE ON ALL
9 MY EX PARTES WITH THE LETTER FROM THE COUNTY OF SACRAMENTO.

10 III. OPENING REMARKS

11 CHAIRMAN EATON: FOR THOSE OF YOU IN THE AUDIENCE
12 THERE ARE SPEAKER SLIPS ON THE BACK TABLE. IF YOU'LL KINDLY
13 FILL THEM OUT, AND HELP US OUT BY PUTTING THE SPECIFIC
14 NUMBER OF THE ITEM THAT WILL BE HELPFUL. IF YOU'RE GOING TO
15 SPEAK ON MORE THAN ONE ITEM, IF YOU COULD LIST ALL OF THOSE
16 ITEMS ON THAT SLIP AS WELL. AND ONCE YOU'VE DONE THAT TASK,
17 THAT EASY TASK, YOU COULD BRING THEM UP TO LISA DOMINGUEZ
18 AND SHE'LL MAKE SURE THAT SHE PASSES THEM ON TO MYSELF, AND
19 THAT WAY WE CAN RECOGNIZE YOU ON THE PARTICULAR MATTER THAT
20 YOU CARE TO SPEAK ON.

21 IV. REPORTS AND PRESENTATIONS

22 ORAL REPORTS FROM BOARD MEMBERS

23 CHAIRMAN EATON: I'LL START WITH MY LEFT AGAIN,
24 AND ANY BOARD MEMBERS HAVE ANY REPORTS THAT THEY'D LIKE TO

1 BRING UP THIS MORNING? MR. PENNINGTON?

2 MEMBER PENNINGTON: NOT I, MR. CHAIRMAN.

3 CHAIRMAN EATON: MR. JONES?

4 MEMBER JONES: NO.

5 CHAIRMAN EATON: MR. ROBERTI?

6 MEMBER ROBERTI: NO.

7 CHAIRMAN EATON: OKAY. WELL, I HAVE JUST A COUPLE
8 THINGS TO REPORT. A WEEK AGO, IT SEEMS LIKE A WEEK AGO BUT
9 PROBABLY LONGER, I DID GO DOWN AND GIVE A SPEECH TO THE SAN
10 JOAQUIN REGIONAL BOARD OF SUPERVISORS REGARDING SOLID WASTE
11 AND THE 21ST CENTURY PROJECT, AS WELL AS SOME ISSUES THAT
12 PERTAIN TO THE CENTRAL VALLEY REGARDING THEIR AGRICULTURAL
13 WASTE, AND SO ON AND SO FORTH. AND I THINK IT'S AN ISSUE
14 THAT THEY ARE CONCERNED WITH AS IT RELATES TO BIO-SOLIDS AND
15 SOME OF THE OTHERS, AND SO I THINK WE'LL BE SEEING SOME OF
16 THOSE MATTERS COMING BEFORE US IN THE FUTURE.

17 IN ADDITION, LAST WEEK I HAD THE PRIVILEGE OF
18 GOING DOWN AND ATTENDING A MEETING IN MONTEREY REGARDING THE
19 DECONSTRUCTION OF FORT ORD AND OUR PARTICIPATION BOTH IN THE
20 DECONSTRUCTION PHASE, AS PART OF OUR PRIORITY TEAMS OF C&D,
21 AND THEN EVENTUALLY GETTING INTO THE GREEN BUILDING AREA.
22 AND EACH OF THOSE PROJECTS, OR THE PROJECT AT FORT ORD THAT
23 -- THE DIFFERENT PHASES THEY WOULD LIKE FOR THE BOARD TO
24 COME AND THEY, HOPEFULLY, WILL MAKE A PROPOSAL TO US WITH

CALIFORNIA SHORTHAND REPORTING

1 THAT. THAT'S SORT OF WHERE WE ARE.

2 I WOULD LIKE TO SAY ONE OTHER THING. EVEN
3 THOUGH WE WENT THROUGH THE EX PARTES TODAY, WE DO HAVE
4 SOMEWHAT OF A PARTE HERE AND I THINK THAT, YOU KNOW, THE
5 HOUSE IS REFLECTIVE OF THAT. I WOULD LIKE TO ACKNOWLEDGE
6 THAT MY COLLEAGUE MR. JONES' BIRTHDAY IS TODAY, SO AT THE
7 APPROPRIATE TIME, IF YOU COULD WISH HIM WELL THAT WOULD BE I
8 THINK GREATLY APPRECIATED BY SOMEONE AS YOUTHFUL AS HE.

9 DO YOU CARE TO MAKE ANY REPORT --

10 MEMBER JONES: I'M STILL A BABY.

11 CHAIRMAN EATON: DO YOU CARE TO MAKE ANY REPORT --

12 MEMBER JONES: I'M STILL A BABY IN THIS GROUP.

13 CHAIRMAN EATON: WOULD YOU LIKE TO MAKE A REPORT
14 ON THE STATUS OF YOUR LIFE AT THIS POINT? OKAY.

15 ORAL REPORT ON THE STATUS OF THE 21ST CENTURY

16 POLICY DEVELOPMENT PROCESS

17 CHAIRMAN EATON: WITH REGARD TO THE 21ST CENTURY
18 REPORT THAT'S ALWAYS ON THE AGENDA, NOTHING FURTHER OTHER
19 THAN THE FACT THAT WE'RE UNDERGOING A SECOND PHASE
20 EXAMINATION OF THE NEXT STEPS TO TAKE, AND WE SHOULD HAVE
21 SOMETHING TO REPORT BACK I THINK WITHIN THE NEXT 60 DAYS, IN
22 TERMS OF THE NEXT COURSE OF ACTION, AND BRINGING SOME OF THE
23 MATTERS BACK TO NOT ONLY THE BOARD BUT TO THE GROUPS.

24 V. CONTINUED BUSINESS AGENDA ITEMS

1 CHAIRMAN EATON: WE DON'T HAVE ANY AGENDA ITEMS
2 UNDER THE CONTINUING BUSINESS AGENDA SECTION.

3 VI. CONSENT AGENDA

4 CHAIRMAN EATON: WITH REGARD TO THE CONSENT
5 CALENDAR, WE WILL PUT OFF CONSIDERATION OF THE CONSENT
6 CALENDAR TILL TOMORROW, AND THE REASON FOR THAT IS THAT ALL
7 OF THE MATTERS THAT PERTAIN TO THE CONSENT CALENDAR ARE ON
8 TOMORROW'S SCHEDULE. THEREFORE, IF ANY INDIVIDUAL WOULD
9 CARE TO SPEAK ON THOSE MATTERS, BY US TAKING UP THE CONSENT
10 CALENDAR, THAT WOULD IN ESSENCE FORECLOSE ANY POSSIBILITY OF
11 HAVING THOSE INDIVIDUALS SPEAK ON THAT MATTER TOMORROW.
12 SINCE ALL OF THEM ARE ON TOMORROW'S CALENDAR WE WON'T TAKE
13 UP THAT UNTIL THE BEGINNING OF TOMORROW'S MEETING.

14 VII. NEW BUSINESS AGENDA ITEMS

15 CHAIRMAN EATON: WITH REGARD TO TODAY'S AGENDA, IT
16 PROPOSES TO BE LONG. WE DO HAVE A SPECIAL HEARING THAT IS
17 SCHEDULED TO BEGIN AT 1:30 REGARDING A TIRE REVOCATION. WE
18 WILL TAKE THE APPROPRIATE STEPS TO ENGAGE IN THAT HEARING,
19 AND THAT WILL BEGIN AT 1:30 PROMPTLY, PER OUR REQUEST.

20 NOW IF WE CAN MOVE TO TODAY'S REGULAR AGENDA
21 -- DID ANY OTHER MEMBER HAVE ANYTHING ELSE THEY CARE TO SAY?
22 OKAY.

23 WITHOUT FURTHER ADIEU WE'LL GO RIGHT TO THE
24 EXECUTIVE DIRECTOR'S REPORT.

1 IV. REPORTS AND PRESENTATIONS (RESUMED)

2 ORAL REPORT FROM THE EXECUTIVE DIRECTOR AND
3 EXECUTIVE STAFF

4 MR. CHANDLER: THANK YOU, MR. CHAIRMAN AND
5 MEMBERS. AS YOU HAVE ALREADY MENTIONED THIS MORNING, WE DO
6 HAVE A FULL AGENDA FOR THE NEXT THREE DAYS, BUT THERE ARE A
7 FEW THINGS I'D LIKE TO QUICKLY BRING TO YOUR ATTENTION.

8 FIRST OF ALL, I'D LIKE TO REMIND YOU AND THE
9 AUDIENCE OF A MAJOR UPCOMING EVENT, THE FOURTH ANNUAL
10 STATEWIDE HOUSEHOLD HAZARDOUS WASTE CONFERENCE WHICH WILL BE
11 HELD AT GRANLIBAKKEN CONFERENCE CENTER IN TAHOE CITY ON MAY
12 18TH THROUGH THE 21ST. THE CONFERENCE IS SPONSORED BY THE
13 BOARD, CAL EPA, AND THE DEPARTMENT OF TOXIC SUBSTANCE
14 CONTROL, AND IS DESIGNED TO PROVIDE INFORMATION ON HOUSEHOLD
15 HAZARDOUS WASTE ISSUES TO LOCAL GOVERNMENTS, BUSINESSES,
16 VENDORS, NONPROFIT ORGANIZATIONS AND OTHER STATE AGENCIES.

17 THIS YEAR THE THEME IS BUILDING POLLUTION
18 PREVENTION PARTNERSHIPS, AND WILL INCLUDE A PANEL ON
19 EDUCATION, MOTIVATING BEHAVIOR CHANGE, AND WILL INCLUDE
20 PANELS, AS WELL, ON PROMOTING RE-REFINED OIL. MR. ED
21 LOWERY, THE NEW DIRECTOR OF DTSC, AND A REPRESENTATIVE FROM
22 THE BOARD WILL GIVE THE OPENING REMARKS.

23 I'D ALSO LIKE TO INFORM YOU THAT STAFF HAS
24 JUST COMPLETED A MAJOR UPGRADE TO THE BOARD'S AWARD-WINNING

1 WEB SITE. AS YOU KNOW, WE RECENTLY JUST PUT IN PLACE THE
2 COMPLETE AUTOMATION OF ALL OF OUR AGENDA ITEMS ON OUR HOME
3 PAGE, WEB SITE, AND THIS NEXT STEP IS TO BRING A NEW LOOK TO
4 THE HOME PAGE. AFTER THE PAST YEAR THE WHOLE SITE -- OVER
5 THE LAST YEAR THE WHOLE SITE WAS RESTRUCTURED TO MAKE IT
6 EASIER TO USE AND MAINTAIN, AND IN THE PAST MONTH THE SITE
7 HAS TAKEN ON A NEW OR CONSISTENT LOOK. THE NEW HOME PAGE
8 DESIGN SHOULD MAKE IT EASIER FOR OUR USERS TO FIND THE
9 INFORMATION THEY NEED.

10 THE BOARD'S WEB SITE NOW INCLUDES MORE THAN
11 2600 PAGES. IT CONTINUES TO GAIN IN USAGE BY OUR CUSTOMERS,
12 WE'RE GETTING APPROXIMATELY 90,000 HITS PER MONTH AND,
13 THEREFORE, ON A TRACK TO EXCEED ONE MILLION HITS THIS YEAR.

14 THE NEXT STEP WILL BE REFINING AND ADDING TO
15 THE CONTENT AND APPLYING WITH THE NEW LOOK A NAVIGATION TOOL
16 BAR TO THE REST OF THE PAGES.

17 A LOT OF STAFF FROM AROUND THE BOARD WORKED
18 VERY HARD ON MAKING THIS UPGRADE A REALITY, BUT A PARTICULAR
19 RECOGNITION SHOULD GO TO CHRIS ALLEN IN OUR INFORMATION
20 MANAGEMENT BRANCH AND PAIGE LETTINGTON IN THE OFFICE OF
21 PUBLIC AFFAIRS. BOTH SPEARHEADED THIS EFFORT FOR US.

22 FINALLY, CHANNEL 3 HERE IN SACRAMENTO
23 RECENTLY AIRED A SIX-MINUTE SEGMENT ON RECYCLING AS PART OF
24 ITS "CALIFORNIA 2000" SERIES. AMONG THE INDIVIDUALS

1 INTERVIEWED WERE CHAIRMAN EATON AND BOARD MEMBER JONES.
2 BECAUSE THE PIECE WAS A COMPREHENSIVE OVERVIEW OF WASTE
3 MANAGEMENT ISSUES I'D LIKE TO SHOW IT TO THE BOARD AND THOSE
4 IN THE AUDIENCE WHO DIDN'T HAVE A CHANCE TO SEE IT.

5 SO, JOHN, WOULD YOU MIND CUING THAT UP?

6 AND THAT WILL CONCLUDE MY REMARKS. THANK
7 YOU.

8 CHAIRMAN EATON: THANK YOU, MR. CHANDLER.

9 (THE BOARD AND AUDIENCE VIEW VIDEO TAPE ON
10 RECYCLING.)

11
12 VII. NEW BUSINESS AGENDA ITEMS (RESUMED)

13 AGENDA ITEM 2: CONSIDERATION OF A REVISED
14 SOLID WASTE FACILITY PERMIT FOR THE KIEFER
15 LANDFILL, SACRAMENTO COUNTY

16 MR. DIER: MR. CHAIRMAN, DON DIER, MANAGER OF THE
17 PERMITTING AND INSPECTION BRANCH. JOHN WHITEHILL OF STAFF
18 WILL MAKE A PRESENTATION.

19 CHAIRMAN EATON: ALL RIGHT. MR. WHITEHILL.

20 MR. WHITEHILL: GOOD MORNING, I'M JON WHITEHILL OF
21 THE BOARD'S PERMITTING AND INSPECTION BRANCH. I'LL BE
22 INTRODUCING THE PERMIT, SUMMARIZING THE PROJECT, AND
23 PRESENTING STAFF'S FINDINGS AND RECOMMENDATIONS THIS
24 MORNING.

1 THIS PERMIT WAS LAST REVISED IN 1995 AFTER
2 SACRAMENTO COUNTY COMPLETED AN EIR FOR AN INCREASE IN THE
3 DAILY TONNAGE, AN INCREASE IN THE HEIGHT OF THE FILL AREA,
4 AND A LATERAL FOOTPRINT EXPANSION OF THE FILL AREA.
5 HOWEVER, THE 1995-ISSUED PERMIT ONLY ALLOWED THE DAILY
6 TONNAGE INCREASE -- EXCUSE ME.

7 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS, JULIE
8 NAUMAN, DEPUTY DIRECTOR OF THE PERMITTING AND ENFORCEMENT
9 BRANCH. BEFORE STAFF PROCEEDS ANY FURTHER -- WHICH, YOU
10 KNOW, WE CAN GO THROUGH THE FULL STAFF REPORT IF YOU SO
11 DESIRE -- BUT I WANTED TO DRAW YOUR ATTENTION TO A LETTER WE
12 RECEIVED DATED APRIL 26, 1999, ADDRESSED TO THE CHAIRMAN
13 FROM SACRAMENTO, SINGED BY JAMES CERMAK AND RICH OWENS. AND
14 IT READS:

15 "THE SACRAMENTO COUNTY WASTE MANAGEMENT
16 RECYCLING DIVISION AGREES TO WAIVE THE 60-DAY TIME
17 LINE TO HEAR THE KIEFER LANDFILL PERMIT REVISION
18 THAT WAS SCHEDULED FOR THE BOARD'S APRIL 27, 1999,
19 MEETING. THIS IS CONTINGENT UPON THIS PERMIT
20 BEING HEARD AND THE DECISION VOTED ON AT YOUR MAY
21 6, 1999, BOARD MEETING."

22 SO, I BRING THIS TO YOUR ATTENTION, YOU MAY
23 WISH TO ADDRESS THE COUNTY'S REQUEST TO WAIVE TIME AND TO
24 HEAR THIS ITEM AT YOUR MAY 6TH MEETING RATHER THAN TO

1 PROCEED WITH THE COMPLETE STAFF REPORT.

2 CHAIRMAN EATON: ARE REPRESENTATIVES FROM THE
3 COUNTY HERE?

4 MS. NAUMAN: YES, MR. CHAIRMAN, MR. CERMAK IS
5 HERE.

6 MR. CERMAK: JIM CERMAK WITH THE LEA. AND MR.
7 PATRICK MAXFIELD (PHON) FROM WASTE MANAGEMENT RECYCLING IS
8 ALSO HERE.

9 CHAIRMAN EATON: AND THE LETTER THAT WAS HANDED TO
10 US JUST AT THE START OF THIS MEETING IS ONE IN WHICH THE
11 COUNTY -- I KNOW IT'S SIGNED BY YOU, BUT UNDERSTAND THAT IT
12 -- FOR THE RECORD THAT BASICALLY YOU ARE WAIVING THE 60 DAYS
13 UNTIL SUCH TIME AS NEXT WEEK, SO WE ARE GOING TO CONTINUE
14 THIS HEARING UNTIL MAY 6TH. CORRECT?

15 MR. CERMAK: THAT IS MY UNDERSTANDING.

16 CHAIRMAN EATON: IS THAT OUR -- P&ES UNDERSTANDING
17 AS WELL?

18 MS. NAUMAN: THAT IS THE UNDERSTANDING, AND OUR
19 AGREEMENT WITH THE COUNTY AT THIS TIME.

20 CHAIRMAN EATON: DO THE BOARD MEMBERS HAVE ANY
21 QUESTIONS WITH REGARD TO THE COUNTY'S REQUEST?

22 MEMBER JONES: MR. CHAIRMAN, I JUST THINK THAT WE
23 OUGHT TO CONTINUE THIS ITEM TO MAY 6TH.

24 CHAIRMAN EATON: OKAY. WITH THAT IN MIND, IS

1 THERE -- COUNSEL, DO WE HAVE TO JUST HAVE IT ORDERED AS
2 SUCH, TO BE CONTINUED UNTIL --

3 MS. NAUMAN: CORRECT.

4 CHAIRMAN EATON: -- MAY 6TH WITHOUT A VOTE? OKAY.

5 WE'LL HAVE THIS MATTER CONTINUED UNTIL THE
6 MAY 6TH AGENDA UNDER CONTINUED BUSINESS ITEMS, AT WHICH TIME
7 WE'LL HEAR A FULL PRESENTATION.

8 THANK YOU. THANK YOU, MR. CERMAK.

9 AGENDA ITEM 3: CONSIDERATION OF A REVISED
10 SOLID WASTE FACILITY PERMIT FOR THE JOHNSON
11 CANYON SANITARY LANDFILL, MONTEREY COUNTY

12 CHAIRMAN EATON: ITEM NO. 3, JOHNSON CANYON
13 SANITARY LANDFILL.

14 MS. NILES: GOOD MORNING, BOARD MEMBERS, I'M LAURA
15 NILES WITH THE PERMITTING AND ENFORCEMENT DIVISION. THIS
16 ITEM IS CONSIDERATION FOR THE REVISED LANDFILL PERMIT FOR
17 THE JOHNSON CANYON LANDFILL LOCATED NEAR THE CITY OF
18 GONZALEZ IN MONTEREY COUNTY.

19 THE PURPOSE OF THE REVISION IS TO UPDATE THE
20 1978 SOLID WASTE FACILITY PERMIT TO CURRENT DAY. THE
21 REVISIONS INCLUDE AN INCREASE IN TONNAGE FOR APPROXIMATELY
22 38 TONS TO 170 TONS PER DAY, CHANGE IN OWNER/OPERATOR FROM
23 MONTEREY COUNTY PUBLIC WORKS TO THE SALINAS VALLEY SOLID
24 WASTE AUTHORITY, INCREASE THE ACREAGE FROM 122.5 ACRES TO

1 163 ACRES, INCREASE THE DAYS OF OPERATION FROM SIX DAYS A
2 WEEK TO SEVEN DAYS A WEEK, AND OTHER MINOR OPERATIONAL
3 CHANGES.

4 THE LEA AND BOARD STAFF HAVE DETERMINED THE
5 FOLLOWING. CEQA HAS BEEN MET. A PERMIT VIOLATION HAS BEEN
6 NOTED FOR THE INCREASE IN TONNAGE, HOWEVER THE ISSUANCE OF
7 THIS PERMIT WILL CORRECT THAT VIOLATION.

8 THERE EXISTS A METHANE MIGRATION VIOLATION ON
9 BOTH THE NORTHERN AND EASTERN BOUNDARY OF THE LANDFILL.
10 HOWEVER, THE OPERATOR ONLY PURCHASED THE ADJACENT NORTHERN
11 40.5 ACRES AND IS NOW PLANNING TO INSTALL A GAS EXTRACTION
12 SYSTEM. THE BOARD'S FOUR CRITERIA ESTABLISHING THE LONG-
13 TERM GAS VIOLATION POLICY HAS BEEN MET.

14 SINCE THE TIME OF THE AGENDA ITEM PUBLICATION
15 TWO ADDITIONAL FINDINGS HAVE BEEN MADE. FINANCIAL ASSURANCE
16 HAVE BEEN FOUND ACCEPTABLE. THE OTHER FINDING, THE OFFICE
17 OF LOCAL ASSISTANCE STAFF HAS DETERMINED THAT THE SITING
18 ELEMENT MAY NOT BE IN CONFORMANCE WITH THIS PERMIT.
19 HOWEVER, IT WAS DETERMINED THAT THE CIWMP IDENTIFIES THE
20 LOCATION OF THE FACILITY, AND THE COUNTY HAS IN EXCESS OF 15
21 YEARS' DISPOSAL CAPACITY.

22 THEREFORE, STAFF RECOMMEND THAT THE BOARD
23 ADOPT DECISION NUMBER 1999-160, CONCURRING IN THE ISSUANCE
24 OF SOLID WASTE FACILITY PERMIT 27-AA-0005.

1 I HAVE MR. JOHN JENNINGS WITH THE LEA'S
2 OFFICE NEXT TO ME AND -- TO ANSWER ANY QUESTIONS, AS WELL AS
3 MR. STEVE JOHNSON FROM THE SALINAS VALLEY SOLID WASTE
4 AUTHORITY.

5 THIS CONCLUDES STAFF'S PRESENTATION.

6 CHAIRMAN EATON: ANY QUESTIONS? I HAVE ONE.

7 FINANCIAL ASSURANCE, AT LEAST IN MY WORKUP,
8 HAD NOT BEEN CONFIRMED AS OF THE TIME I RECEIVED MY PACKET.
9 HAS THAT SINCE BEEN CONFIRMED FOR CLOSURE AND POST-CLOSURE?

10 MS. NILES: YES, THAT HAS BEEN FOUND ADEQUATE.

11 CHAIRMAN EATON: OKAY.

12 MEMBER JONES: MR. CHAIRMAN?

13 CHAIRMAN EATON: YES, MR. JONES.

14 MEMBER JONES: I'D LIKE TO MOVE ADOPTION OF
15 RESOLUTION 1999-160, THE REVISED SOLID WASTE FACILITY PERMIT
16 FOR THE JOHNSON CANYON SANITARY LANDFILL.

17 CHAIRMAN EATON: DO I HAVE A SECOND?

18 MEMBER PENNINGTON: I'LL SECOND IT.

19 CHAIRMAN EATON: ALL RIGHTY, MR. JONES MOVES AND
20 MR. PENNINGTON SECONDS WE ADOPT RESOLUTION 1999-160, TO
21 GRANT A SOLID WASTE FACILITY PERMIT FOR JOHNSON CANYON
22 SANITARY LANDFILL.

23 MADAM SECRETARY, WOULD YOU PLEASE CALL THE
24 ROLL?

1 THE SECRETARY: BOARD MEMBERS JONES?

2 MEMBER JONES: AYE.

3 THE SECRETARY: PENNINGTON?

4 MEMBER PENNINGTON: AYE.

5 THE SECRETARY: ROBERTI?

6 MEMBER ROBERTI: AYE.

7 THE SECRETARY: CHAIRMAN EATON?

8 CHAIRMAN EATON: AYE.

9 AGENDA ITEM 4: CONSIDERATION OF A REVISED
10 SOLID WASTE FACILITY PERMIT FOR THE DAVIS STREET
11 TRANSFER STATION, ALAMEDA COUNTY

12 CHAIRMAN EATON: ITEM NO. 4.

13 MEMBER ROBERTI: MR. CHAIRMAN?

14 CHAIRMAN EATON: MR. ROBERTI.

15 MEMBER ROBERTI: I LET IT PASS, BUT NOW I THINK I

16 -- I REALLY WISH PEOPLE'D STOP TALKING IN ACRONYMS, IT'S

17 DRIVING ME CRAZY. I MEAN, I HEARD ABOUT CIWMP, NOW I HAD

18 ASKED WHAT CIWMP WAS, BELIEVE IT OR NOT, EVERYBODY DOESN'T

19 KNOW WHAT THESE ACRONYMS MEAN. AND THEY ARE NOT ENGLISH, SO

20 I'M REALLY ASKING PEOPLE TO START TALKING IN THE ENGLISH

21 LANGUAGE SO THE AUDIENCE AND THE MEMBERS CAN UNDERSTAND.

22 IT'S -- IN A WAY IT'S FUNNY, BUT IN A WAY IT'S A REAL

23 PROBLEM.

24 CHAIRMAN EATON: POINT WELL TAKEN. SO IF YOU

1 COULD PLEASE, IF YOU ARE GOING TO USE AN ACRONYM OR ANY
2 ABBREVIATION, IF YOU WOULD FIRST EXPLAIN IT --

3 MEMBER ROBERTI: SOME ARE SO OBVIOUS THAT,
4 OBVIOUSLY -- YOU KNOW, IT'S CALLED JUDGMENT. BUT WHEN IT'S
5 JUST TOTALLY PART OF THE CONVERSATION AND THE PRESENTATION
6 IT BECOMES NO PRESENTATION AT ALL. AND IT'S -- A PART OF
7 IT'S JUDGMENT. OBVIOUSLY YOU CAN SAY LEA ALL YOU WANT I
8 GUESS. I MEAN, THERE'S SOME THAT ARE JUST NOT THAT
9 IMPORTANT OR THEY'RE JUST SO PART OF THE LANGUAGE THAT WE
10 LET THEM PASS. BUT USE SOME JUDGMENT. I'M NOT GOING TO GET
11 UPSET EVERY TIME IT HAPPENS, BUT IT REALLY MAKES IT VERY,
12 VERY DIFFICULT TO FOLLOW.

13 CHAIRMAN EATON: THANK YOU.

14 MS. COYLE: MR. CHAIRMAN AND MEMBERS, MARY COYLE
15 WITH THE BOARD'S PERMITTING AND INSPECTION BRANCH. THIS
16 ITEM IS CONSIDERATION OF A REVISED SOLID WASTE FACILITY
17 PERMIT FOR THE DAVIS STREET TRANSFER STATION, WHICH IS
18 LOCATED IN THE CITY OF SAN LEANDRO.

19 THIS IS AN EXISTING TRANSFER STATION THAT
20 INCLUDES MRF OPERATIONS. IT'S CURRENTLY IN A -- 53 ACRES IN
21 AN INDUSTRIAL AREA. IT'S CURRENT PERMIT IS FOR 5,000 TONS A
22 DAY, THE DESIGN CAPACITY IS 9,600 TONS A DAY. IT'S OWNED BY
23 WASTE MANAGEMENT OF ALAMEDA COUNTY, AND IT'S OPERATED BY
24 DAVIS STREET TRANSFER STATION, A SUBSIDIARY OF WASTE

1 MANAGEMENT.

2 AT THE TIME THIS ITEM WAS PREPARED TWO
3 FINDINGS WERE PENDING. EXCUSE ME, I NEED TO TALK ABOUT THE
4 ISSUES.

5 THE PROPOSED PERMIT CONSISTS OF EXPANDING THE
6 MINIMUM -- THE MAXIMUM DAILY TONNAGE FROM 5,000 TONS A DAY
7 TO 9,600 TONS A DAY, EXPANDING THE MRF LINE, INCLUDING FOOD
8 SCRAP RECYCLING, RECYCLING OF CONSTRUCTION AND DEMOLITION
9 DEBRIS, RETROFITTING THE EXISTING FUEL STORAGE AND DELIVERY
10 SYSTEM TO ALLOW FOR ALTERNATIVE FUELS, AND MODIFYING THE
11 ADMINISTRATIVE BUILDINGS.

12 AT THE TIME THE ITEM WAS PREPARED TWO
13 FINDINGS WERE PENDING. THE FIRST FINDING IN THE AREA OF
14 CONFORMANCE, WE HAVE CATHERINE CARDOZO FROM THE OFFICE OF
15 LOCAL ASSISTANCE HERE TO ADDRESS THAT ISSUE.

16 MS. CARDOZO: GOOD MORNING, BOARD MEMBERS,
17 CHAIRMAN EATON, I'M CATHERINE CARDOZO WITH THE BOARD'S
18 OFFICE OF LOCAL ASSISTANCE, AND I'LL JUST GIVE THE
19 CONFORMANCE FINDING THAT WE MADE ON THIS ITEM FOR THE DAVIS
20 STREET TRANSFER STATION AND SAN LEANDRO'S NON-DISPOSAL
21 FACILITY ELEMENT, OR THEIR NDFE.

22 OFFICE OF LOCAL ASSISTANCE, OR OLA STAFF, HAS
23 REVIEWED THE PROPOSED PERMIT FOR CONFORMANCE WITH PUBLIC
24 RESOURCES CODE 50001. THIS SECTION REQUIRES THAT THE

1 FACILITY BE IDENTIFIED IN THE JURISDICTION'S NON-DISPOSAL
2 FACILITY ELEMENT, THEIR NDFE. SAN LEANDRO'S NDFE WAS NOT
3 REVISED PRIOR TO THIS PERMIT COMING FORWARD, IT CURRENTLY
4 IDENTIFIES THE FACILITY BUT AT LOWER TONNAGES THAN THOSE IN
5 THE PROPOSED PERMIT.

6 THE ALAMEDA WASTE MANAGEMENT AUTHORITY JOINT
7 POWERS AUTHORITY, THEIR JPA, DID REVISE THE DESCRIPTION OF
8 THIS FACILITY IN THEIR SITING ELEMENT THAT WAS APPROVED LAST
9 MONTH BY THE BOARD. ALTHOUGH IT'S NOT REQUIRED, ALAMEDA HAS
10 INCLUDED ALL THEIR NON-DISPOSAL FACILITIES IN THEIR SITING
11 ELEMENT, INCLUDING THINGS LIKE TRANSFER STATIONS AND
12 COMPOSTING, WHICH ARE NORMALLY LISTED IN A JURISDICTION'S
13 NDFE.

14 THE OFFICE OF LOCAL ASSISTANCE BELIEVES THAT
15 THE AMENDMENT IN THE SITING ELEMENT IN THIS INSTANCE IS
16 SUBSTANTIALLY EQUIVALENT TO AMENDING THE NDFE, AND
17 RECOMMENDS FINDING CONFORMANCE FOR THE FOLLOWING REASONS.

18 ONE, THE PUBLIC NOTICE REQUIRED FOR AMENDING
19 THE SITING ELEMENT OR THE NDFE IS THE SAME. THE NOTICE
20 PERIOD IS ACTUALLY LONGER FOR AMENDING THE SITING ELEMENT,
21 30 DAYS OPPOSED TO THE THREE DAYS FOR THE NDFE.

22 THE SITING ELEMENT AMENDMENT REQUIRES A
23 MAJORITY MAJORITY APPROVAL, WHICH MEANS A MAJORITY OF THE
24 POPULATION IN THE INCORPORATED AREA OF THE COUNTY, AS WELL

1 AS THE COUNTY, JUST APPROVE THE AMENDMENT AS OPPOSED TO JUST
2 THE JURISDICTION WHERE THE -- THE JURISDICTION OF THE NDFE.

3 AND SAN LEANDRO'S REPRESENTATIVE ON THE JPA
4 FOR ALAMEDA IS AUTHORIZED BY THEIR CITY COUNCIL TO APPROVE
5 ELEMENT AMENDMENTS, AND DID APPROVE THIS AMENDMENT ON BEHALF
6 OF THE CITY.

7 IN ADDITION, THE CITY INDICATED THAT THEIR
8 FAILURE TO AMEND THE NDFE WAS AN OVERSIGHT DUE TO STAFF
9 TURNOVER, AND HAVE INDICATED THEY WILL BE AMENDING THIS --
10 THEIR NDFE TO REFLECT THIS CHANGE IN THE NEAR FUTURE. AND
11 IN THE MEANTIME, THE CITY WILL INCLUDE A COPY OF THE SITING
12 ELEMENT AMENDMENT WITH THEIR NDFE SO THAT ANY CITY RESIDENT
13 LOOKING AT THE NDFE WOULD BE AWARE OF THE SITING ELEMENT
14 AMENDMENT THAT INCLUDES THE ADDITIONAL OF THAT -- THE
15 REVISION TO THIS TRANSFER STATION PERMIT.

16 THAT CONCLUDES MY PART OF THE PRESENTATION.
17 ANY QUESTIONS?

18 CHAIRMAN EATON: QUESTIONS FOR MS. CARDOZO? THANK
19 YOU.

20 MS. COYLE.

21 MS. COYLE: REGARDING THE CONSISTENCY STATEMENT OF
22 STANDARD FINDINGS, AT THE TIME THE BOARD CONDUCTED A PRE-
23 PERMIT INSPECTION WE DID FIND ONE VIOLATION, WHICH WAS A LOG
24 OF SPECIAL OCCURRENCES. WE HAVE SINCE RECEIVED INFORMATION

1 FROM THE OPERATOR THAT HAS RECTIFIED THIS VIOLATION AND THE
2 SITE IS NOW IN COMPLIANCE WITH MINIMUM STANDARDS.

3 THEREFORE, THE BOARD STAFF ARE NOW IN A
4 POSITION TO RECOMMEND THAT THE BOARD ADOPT RESOLUTION 1999-
5 161, CONCURRING IN THE ISSUANCE OF THE PERMIT.

6 MR. ART DETMAR WITH THE LOCAL ENFORCEMENT
7 AGENCY AND REPRESENTATIVES FROM THE OPERATOR ARE PRESENT TO
8 RESPOND TO ANY QUESTIONS YOU MAY HAVE.

9 THAT CONCLUDES STAFF PRESENTATION.

10 CHAIRMAN EATON: I JUST HAVE ONE. IN MY BOOK IT
11 SAYS THAT THERE WERE CERTAIN -- THREE AREAS OF CONCERN THAT
12 WERE GOING TO BE FOLLOWED UP AND PRESENTED TO US AT THE
13 MEETING.

14 MS. COYLE: THE AREAS OF --

15 CHAIRMAN EATON: THOSE WERE THE CLEANING, THE
16 HOUSEKEEPING, AND THE TRANSFER PROCESSING REPORT.

17 MS. COYLE: YES. THE AREAS OF CONCERN, THE LEA
18 WILL BE FOLLOWING UP WITH THE OPERATOR, AND THE OPERATOR IS
19 IN THE PROCESS OF ADDRESSING THOSE ISSUES.

20 CHAIRMAN EATON: PERHAPS YOU CAN SPEAK TO THE
21 AREAS OF CONCERN.

22 MR. DETMEIR: THE AREAS, ONE WAS HOUSEKEEPING --
23 OH, MY NAME IS ART DETMEIR, I'M WITH ALAMEDA COUNTY LOCAL
24 ENFORCEMENT AGENCY.

1 THE AREAS OF CONCERN WERE ONE AREA NEAR THE
2 TRANSFER BUILDING WHERE THERE WAS EXCESSIVE DUST AND BUILDUP
3 THAT HAD OCCURRED, AND THAT HAS BEEN TAKEN CARE OF.

4 THE OTHER ONE WAS EXCESSIVE SCRAP METAL.
5 THIS HAS BEEN A PROBLEM WITH THE INCORPORATION OF THE USA
6 WASTE MANAGEMENT, THERE'S BEEN AN AWFUL LOT OF MATERIAL
7 FLOATING AROUND THE COUNTY THAT'S, YOU KNOW, HAD PROBLEMS
8 FINDING A HOME, AND THEY ARE WORKING DILIGENTLY TO CLEAN
9 THIS UP. A LOT OF THE MATERIAL'S BEING SCRAPPED, SOME OF
10 IT'S BEING USED IN OTHER FACILITIES. SO, WE'RE KEEPING
11 PRESSURE ON, BUT HOPING THAT, YOU KNOW, IT WILL TAKE CARE OF
12 ITSELF. SO I'M CONFIDENT THAT THAT WILL OCCUR.

13 AND THE FINAL THING WAS A TRANSFER PROCESSING
14 REPORT. THERE WAS A BENT STANCHION AROUND A GAS WELL. IT
15 TURNED OUT THAT THE GAS WELL HAD BEEN INOPERABLE FOR SOME
16 YEARS, AND THE STANCHIONS JUST HADN'T BEEN REMOVED, SO BY
17 REMOVING THE STANCHIONS THAT PRETTY MUCH TOOK CARE OF THE
18 PROBLEM.

19 SO, THE LEA FINDS THAT THE SITE IS IN
20 SATISFACTORY CONDITION.

21 CHAIRMAN EATON: THAT'S FINE WITH ME. ALL RIGHTY.

22 MEMBER PENNINGTON: MR. CHAIRMAN?

23 CHAIRMAN EATON: MR. PENNINGTON.

24 MEMBER PENNINGTON: I'LL MOVE ADOPTION OF

1 RESOLUTION 1999-161.

2 MEMBER JONES: I'LL SECOND.

3 CHAIRMAN EATON: ALL RIGHTY, MR. PENNINGTON MOVES,
4 MR. JONES SECONDS, THAT WE ADOPT RESOLUTION 1999-161.

5 MADAM SECRETARY, PLEASE CALL THE ROLL.

6 THE SECRETARY: BOARD MEMBERS JONES?

7 MEMBER JONES: AYE.

8 THE SECRETARY: PENNINGTON?

9 MEMBER PENNINGTON: AYE.

10 THE SECRETARY: ROBERTI?

11 MEMBER ROBERTI: AYE.

12 THE SECRETARY: CHAIRMAN EATON?

13 CHAIRMAN EATON: AYE.

14 MEMBER JONES: MR. CHAIRMAN, CAN I JUST ASK THE
15 LEA ONE QUESTION?

16 CHAIRMAN EATON: MR. JONES.

17 MEMBER JONES: THE INOPERATIVE EQUIPMENT THAT'S
18 BEING STORED THERE AND CUT UP, OR DONE WHATEVER, IS IT A
19 VIOLATION BECAUSE THE ENTIRE FACILITY, THE 53 ACRES, IS
20 UNDER PERMIT? OTHERWISE, IF THAT WAS IN HIS YARD AND THAT
21 WASN'T PART OF THE PERMIT THAT WOULDN'T BE A VIOLATION?

22 MR. DETMEIR: IT WAS PROBABLY MORE A MATTER OF
23 JUST THE AMOUNT OF MATERIAL THAT WAS THERE. AND, IT'S AN
24 AREA OF CONCERN AT THIS STAGE, IT WASN'T WRITTEN AS AN

1 N.O.V., NOTICE OF VIOLATION.

2 THE DIFFICULTY IS, IS THERE ARE, YOU KNOW, A
3 NUMBER OF DIFFERENT PROBLEMS THAT OCCUR WHEN YOU HAVE TOO
4 MUCH MATERIAL STORED. YOU'VE GOT VECTOR PROBLEMS --

5 MEMBER JONES: RIGHT.

6 MR. DETMEIR: -- WITH THE RODENTS RUNNING AROUND.
7 YOU HAVE DIFFICULTY GETTING IN THERE AND GRADING DURING WET
8 WEATHER, YOU HAVE DIFFICULTY CLEANING THE LITTER OUT OF THE
9 AREA. SO IT JUST -- IT'S A PROBLEM FROM A NUMBER OF
10 DIFFERENT STANDPOINTS, SO WE HOPE THAT IT'LL BE RESOLVED
11 SOON.

12 MEMBER JONES: OKAY. THANKS.

13 MR. DIER: AND IF I MIGHT JUST ADD FOR CLARITY,
14 THESE WERE THE FINDINGS OF BOARD STAFF ON A PRE-PERMIT
15 INSPECTION, AND IT WAS -- IT WAS JUST FELT -- THE STAFF HAD
16 BEEN AT THIS FACILITY NUMEROUS TIMES AND THEY JUST HADN'T
17 SEEN MOVEMENT OF SOME OF THIS, AND IT JUST WAS THERE FOR AN
18 INORDINATE AMOUNT OF TIME.

19 AGENDA ITEM 5: CONSIDERATION OF THE ISSUANCE
20 OF A NEW MAJOR WASTE TIRE FACILITY PERMIT FOR
21 LAKIN TIRE WEST, INC., LOS ANGELES COUNTY

22 CHAIRMAN EATON: ITEM NO. 5, CONSIDERATION OF
23 REVISED SOLID WASTE FACILITY PERMIT FOR THE DAVIS STREET --
24 I'M SORRY, I'M STILL AT FOUR, I'M SORRY -- CONSIDERATION OF

1 THE ISSUANCE OF A MAJOR WASTE TIRE FACILITY PERMIT FOR LAKIN
2 TIRE WEST.

3 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS, JUST AS A
4 REMINDER, THIS ITEM WAS ON YOUR AGENDA I BELIEVE AT THE
5 FEBRUARY MEETING, AND WAS CONTINUED AT THAT TIME SO THAT
6 LAKIN HAD THE OPPORTUNITY TO FINISH THE CONSTRUCTION THAT
7 THEY HAD PLANNED, WHICH WOULD BRING THEIR FACILITY INTO
8 COMPLIANCE WITH FIRE STANDARDS. THAT ISSUE HAS BEEN TAKEN
9 CARE OF, AND TERRY SMITH WILL PRESENT THE DETAILS.

10 CHAIRMAN EATON: MR. SMITH, WELCOME.

11 MR. SMITH: GOOD MORNING, MR. CHAIRMAN. ITEM NO.
12 5 REGARDS THE CONSIDERATION OF A MAJOR WASTE TIRE FACILITY
13 PERMIT FOR THE LAKIN TIRE WEST, INCORPORATED, FACILITY.

14 THE FACILITY IS LOCATED AT 13250 ARCTIC
15 CIRCLE, SANTA FE SPRINGS, IN LOS ANGELES COUNTY. LAKIN TIRE
16 HAS BEEN OPERATING THEIR USED TIRE BUSINESS IN SOUTHERN
17 CALIFORNIA SINCE THE EARLY '70S. THE WASTE TIRES RECEIVED
18 AT THE FACILITY COME FROM VARIOUS TIRE DEALERSHIPS LOCATED
19 THROUGHOUT THE STATE.

20 UPON ARRIVAL AT THE FACILITY THE TIRES ARE
21 SORTED AND GRADED. TIRES THAT CAN'T BE REUSED ARE SHREDDED
22 AND TAKEN TO THE LANDFILL OR TO PORTLAND CEMENT AND BURNED
23 OR USED, OR AS FUEL THERE. TIRES THAT CAN BE REUSED ARE
24 SOLD AS USED TIRES OR RETREAD CASINGS. LAKIN PROCESSED

1 ABOUT 10.5 MILLION TIRES LAST YEAR.

2 BOARD STAFF HAVE DETERMINED THAT PERMITTING
3 THIS FACILITY DOES NOT REQUIRE CALIFORNIA ENVIRONMENTAL
4 QUALITY ACT, OR COMMONLY KNOWN AS CEQA, ANALYSIS. THERE IS
5 A GRANDPARENTING CLAUSE IN DIVISION 30 OF THE PUBLIC
6 RESOURCES CODE, 42 EIGHT 12, THAT EXEMPTS EXISTING TIRE
7 FACILITIES FROM CEQA REQUIREMENTS. AN EXISTING FACILITY IS
8 DEFINED AS ONE THAT HAS BEEN IN EXISTENCE PRIOR TO JANUARY
9 1ST, 1990, WITH NO SUBSTANTIAL CHANGE IN DESIGN OR
10 OPERATION.

11 BOARD STAFF DEEMED LAKIN TIRES' WASTE TIRE
12 FACILITY PERMIT APPLICATION COMPLETE, OR ACCEPTABLE, ON
13 DECEMBER 28TH, 1998. AT THAT TIME SUBMITTED WITH THE
14 PACKAGE, AS JULIE SAID, WAS -- WE HAD A LETTER OF GRANTING
15 TEMPORARY APPROVAL TO THE FACILITY FOR STORAGE OF TIRES FROM
16 THE FIRE MARSHALL OF SANTA FE SPRINGS. IN THAT LETTER THEY
17 REQUIRED LAKIN TO UPGRADE THE STORAGE REQUIREMENTS TO MEET
18 NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS, 231(D) FOR
19 INDOOR STORAGE, BY APRIL 1ST. AND, SO SUBSEQUENTLY IT WAS
20 POSTPONED UNTIL WE COULD -- THEY COULD MEET THOSE
21 REQUIREMENTS, UNTIL TODAY'S MEETING.

22 IN CONCLUSION, STAFF HAVE DETERMINED THAT ALL
23 OF THE REQUIREMENTS TO OBTAIN A MAJOR WASTE TIRE FACILITY
24 PERMIT HAVE BEEN MET. THE NATIONAL FIRE PROTECTION

1 ASSOCIATION STANDARDS FOR INDOOR STORAGE OF RUBBER TIRES,
2 FINANCIAL ASSURANCE AND OPERATING LIABILITY REQUIREMENTS,
3 STATE MINIMUM STANDARDS FOR TIRE STORAGE, AND THE CALIFORNIA
4 ENVIRONMENTAL QUALITY ACT REQUIREMENTS HAVE ALL BEEN MET.
5 STAFF HAS DRAFTED A MAJOR WASTE TIRE FACILITY PERMIT FOR
6 THIS PROJECT AND IT IS INCLUDED AS ATTACHMENT NO. 1 TO THIS
7 AGENDA ITEM.

8 THE ISSUANCE OF THE PROPOSED PERMIT WILL
9 AUTHORIZE LAKIN TIRE WEST TO STORE UP TO 100,000 TIRES AT
10 THIS FACILITY.

11 STAFF RECOMMENDS THAT THE BOARD ADOPT THE
12 PERMIT, AND BY DOING SO YOU WOULD ACCEPT OR APPROVE THIS
13 PERMIT BY ADOPTING DECISION NUMBER 1999-37, THEREBY
14 APPROVING THE ISSUANCE OF WASTE TIRE FACILITY PERMIT NUMBER
15 19-TI-0014.

16 AND THAT CONCLUDES STAFF'S PRESENTATION.

17 AND MR. GEORGE LARSEN IS HERE REPRESENTING
18 LAKIN TIRE WEST IF YOU HAVE ANY QUESTIONS. THIS CONCLUDES
19 STAFF PRESENTATION.

20 CHAIRMAN EATON: ANY QUESTIONS OR COMMENTS? I
21 JUST HAVE ONE THAT REALLY DOESN'T PERTAIN TO THE PERMIT PER
22 SE, BUT REALLY OVERALL.

23 WHEN WE HAVE A SITUATION WHEREIN WE'RE
24 WAITING FOR CONFIRMATION WITH REGARD TO SOME OF THESE ITEMS

1 -- WE HAD A LETTER THE LAST TIME THAT SAID THAT THEY DIDN'T
2 HAVE IT -- COULD WE ALSO INCLUDE FOR THE MEMBERS' PACKETS
3 THE LETTER THAT SAYS THAT THEY'VE MET THE REQUIREMENT? AND
4 THAT MAY HELP THINGS GO EASIER. THAT WOULD BE HELPFUL, I
5 THINK, FOR ALL OF US JUST TO KNOW, AND JUST FOR THE RECORD
6 AND STUFF LIKE THAT. ESPECIALLY SINCE THE OTHER ONE WAS PUT
7 IN THE RECORD.

8 MR. SMITH: INCLUDE THE LETTER AS AN ATTACHMENT --

9 CHAIRMAN EATON: AS PART OF OUR PACKET.

10 MR. SMITH: OKAY.

11 CHAIRMAN EATON: BECAUSE I THINK THEY RECEIVED IT
12 IN A TIMELY FASHION.

13 MR. SMITH: OKAY.

14 CHAIRMAN EATON: AND WITHOUT THAT, I'LL ENTERTAIN
15 A MOTION.

16 MEMBER PENNINGTON: MR. CHAIRMAN, I'LL MOVE FOR
17 THE ADOPTION OF RESOLUTION 1999-30, ISSUING A WASTE TIRE
18 FACILITY PERMIT NO. 19-TI-0014.

19 MEMBER JONES: THIRTY-SEVEN.

20 MEMBER PENNINGTON: OH, DID I? RESOLUTION 1999-
21 37.

22 MEMBER JONES: I'LL SECOND.

23 CHAIRMAN EATON: MR. PENNINGTON MOVES, AND MR.
24 JONES SECONDS, THAT WE ADOPT RESOLUTION 1999-37.

1 MADAM SECRETARY, WOULD YOU PLEASE CALL THE
2 ROLL?

3 THE SECRETARY: BOARD MEMBERS JONES?

4 MEMBER JONES: AYE.

5 THE SECRETARY: PENNINGTON?

6 MEMBER PENNINGTON: AYE.

7 THE SECRETARY: ROBERTI?

8 MEMBER ROBERTI: AYE.

9 THE SECRETARY: CHAIRMAN EATON?

10 CHAIRMAN EATON: AYE.

11 AGENDA ITEM 6: CONSIDERATION OF THE ISSUANCE
12 OF A NEW STANDARDIZED SOLID WASTE FACILITY PERMIT AND
13 ADOPTION OF A NEGATIVE DECLARATION FOR GROVER LANDSCAPING
14 SERVICES, STANISLAUS COUNTY

15 CHAIRMAN EATON: ITEM NO. 6

16 MS. NAUMAN: MR. CHAIRMAN, WHILE STAFF IS COMING
17 FORWARD LET ME JUST MENTION A COUPLE OF THINGS ABOUT THIS
18 PARTICULAR ITEM.

19 IN THIS CASE, THIS IS AN APPLICATION FROM
20 STANISLAUS COUNTY. THE WASTE BOARD IS, IN FACT, THE LOCAL
21 ENFORCEMENT AGENCY, THE LEA FOR STANISLAUS COUNTY.

22 THERE ARE TWO KIND OF ADDITIONAL COMPONENTS
23 OF THIS FACILITY PERMIT THAT NEED TO BE ACTED ON. THE
24 COUNTY IS AMENDING THEIR COUNTYWIDE NON-DISPOSAL FACILITY

1 ELEMENT TO REFLECT THIS PERMIT. THAT IS ITEM 23 ON YOUR
2 AGENDA, WHICH IS ON YOUR PROPOSED CONSENT CALENDAR WHICH
3 WILL COME BEFORE YOU TOMORROW.

4 IN ADDITION TO ACTING ON THAT WE'LL ALSO BE
5 ASKING YOU TO ACT ON THE NEGATIVE DECLARATION THAT WE HAVE
6 PREPARED AS LEAD AGENCY, AS PART OF YOUR ACTION ON THE
7 PERMIT.

8 AND, WITH THAT, SUE MARKIE WILL PRESENT THE
9 ITEM.

10 MS. MARKIE: GOOD MORNING MR. CHAIRMAN AND BOARD
11 MEMBERS. MY NAME IS SUE MARKIE. THIS ITEM IS FOR THE
12 ADOPTION OF A NEGATIVE DECLARATION AND CONSIDERATION OF THE
13 ISSUANCE OF A NEW STANDARDIZED SOLID WASTE FACILITY PERMIT
14 FOR GROVER LANDSCAPING SERVICES.

15 THE PROPOSED FACILITY IS LOCATED IN THE
16 NORTHWEST PORTION OF STANISLAUS COUNTY, NEAR THE
17 INTERSECTION OF INTERSTATE 5 AND HIGHWAY 132 IN VERNALIS, ON
18 APPROXIMATELY 70 LEASED ACRES.

19 THE OPERATOR WILL BE COMPOSTING ON 40 ACRES
20 WITH THE OPTION TO EXPAND TO 60 ACRES. THIS IS CONSISTENT
21 WITH THE NEGATIVE DECLARATION AND LOCAL APPROVALS. THE
22 OPERATOR WILL USE A WINDROW METHOD TO COMPOST MUNICIPAL AND
23 AGRICULTURAL GREEN WASTE SUCH AS YARD WASTE, TREE AND BRUSH
24 TRIMMINGS, WOOD WASTE, CLEAN AGRICULTURAL PRODUCTS SUCH AS

1 FRUIT, OLIVE PUMICE, MANURE AND VEGETABLES.

2 THE BOARD HAS ONLY 30 DAYS TO CONSIDER A
3 STANDARDIZED PERMIT.

4 AT THE TIME THE AGENDA ITEM WAS PREPARED
5 STAFF COULD NOT DEEM THE PERMIT PACKAGE COMPLETE DUE TO THE
6 PENDING APPROVALS OF THE NON-DISPOSAL FACILITY ELEMENT
7 AMENDMENTS, WHICH I'LL REFER TO AS THE NDFE IN THE END OF
8 THE SUBSEQUENT NEGATIVE DECLARATION COMMENT PERIOD. THAT
9 COMMENT PERIOD ENDED ON FRIDAY, APRIL 23RD. WE DID NOT HAVE
10 ANY COMMENTS IN OPPOSITION, WE HAD TWO LETTERS OF SUPPORT.

11 BOARD STAFF HAS CONFIRMED THAT THE FACILITY
12 IS IDENTIFIED IN THE NDFE, AND THIS IS ON THIS MONTH'S
13 CONSENT CALENDAR.

14 THE ENFORCEMENT AGENCY, MYSELF, HAS
15 DETERMINED THAT THE PROPOSED PERMIT IS CONSISTENT WITH AND
16 SUPPORTED BY THE SUBSEQUENT NEGATIVE DECLARATION.
17 ADDITIONALLY, I HAVE DETERMINED THAT THE REPORT OF
18 COMPOSTING SITE INFORMATION IS COMPLETE. THIS PERMIT IS
19 CONSISTENT WITH THE STANDARDS ADOPTED BY THE BOARD.

20 IN CONCLUSION, STAFF HAS REVIEWED THE
21 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND FOUND THEM
22 TO BE ACCEPTABLE. STAFF RECOMMENDS THAT THE BOARD ADOPT
23 RESOLUTION NUMBER 1999-165, CONSIDERATION OF ADOPTION OF A
24 NEGATIVE DECLARATION FOR GROVER LANDSCAPING SERVICES.

1 AND, UPON APPROVAL OF THE CONSENT CALENDAR
2 ITEM NO. 23 TOMORROW, ADOPTION OF RESOLUTION NUMBER 1999-
3 166, CONCURRING IN THE ISSUANCE OF THE STANDARDIZED COMPOST
4 PERMIT NUMBER 50-AA-0020.

5 THIS CONCLUDES STAFF'S PRESENTATION, ALTHOUGH
6 THE OPERATOR, MR. MARK GROVER, IS HERE TO ANSWER ANY
7 ADDITIONAL QUESTIONS.

8 CHAIRMAN EATON: ANY QUESTIONS OF EITHER STAFF OR
9 MR. GROVER? OKAY.

10 HEARING NONE, I'LL ENTERTAIN -- WE HAVE TWO
11 MOTIONS, MEMBERS, I THINK YOU OUGHT TO BE AWARE OF ON THIS
12 ITEM.

13 MEMBER JONES: MR. CHAIRMAN?

14 CHAIRMAN EATON: UM-HUM?

15 MEMBER JONES: I'M GOING TO MOVE THIS MOTION.

16 BUT I AM IMPRESSED WITH MS. SUE MARKIE, WHO
17 HAS BEEN HERE FOR LIKE SEVEN YEARS AND THIS IS HER FIRST
18 TIME IN FRONT OF THIS BOARD. OR MAYBE NINE YEARS, I DON'T
19 KNOW HOW LONG YOU'VE BEEN HERE, SUE.

20 I'D LIKE TO MOVE --

21 CHAIRMAN EATON: SHE KNEW IT WAS YOUR BIRTHDAY.

22 MEMBER JONES: I WANT TO MOVE RESOLUTION 1999-165,
23 THE NEGATIVE DEC FOR GROVER LANDSCAPING.

24 MEMBER PENNINGTON: I'LL SECOND IT.

1 CHAIRMAN EATON: ALL RIGHTY. MR. JONES MOVES, AND
2 MR. PENNINGTON SECONDS, THAT WE ADOPT RESOLUTION 1999-165.

3 MADAM SECRETARY, WITHOUT OBJECTION, WE'LL
4 JUST SUBSTITUTE THE PREVIOUS ROLL CALL. HEARING NO
5 OBJECTION, SO BE IT ORDERED.

6 MEMBER PENNINGTON: MR. CHAIRMAN.

7 CHAIRMAN EATON: MR. PENNINGTON.

8 MEMBER PENNINGTON: I'LL MOVE RESOLUTION 1999-166.

9 MEMBER JONES: I WILL SECOND.

10 CHAIRMAN EATON: MR. PENNINGTON CORRECTLY
11 "PRONOUNCIATES" THE ITEM -- I'VE HAD THAT SAME PROBLEM ALL
12 MORNING, SO I DON'T KNOW WHAT IT IS.

13 MEMBER PENNINGTON: IT'S HIS BIRTHDAY --

14 CHAIRMAN EATON: YEAH, MR. PENNINGTON --

15 (GENERAL DISCUSSION.)

16 CHAIRMAN EATON: MR. PENNINGTON MOVES, AND MR.
17 JONES SECONDS, THAT WE ADOPT RESOLUTION 1999-166.

18 WITHOUT OBJECTION, WE'LL SUBSTITUTE THE
19 PREVIOUS ROLL CALL. HEARING NO OBJECTION, SO SHALL BE THE
20 ORDER.

21 AGENDA ITEM 7: CONSIDERATION OF A REVISED SOLID WASTE
22 FACILITY PERMIT FOR SAN JOAQUIN COMPOSTING, INC., KERN
23 COUNTY

24 CHAIRMAN EATON: ITEM NO. 8 (SIC).

1 MR. DILLON: GOOD MORNING MR. CHAIRMAN AND BOARD
2 MEMBERS. I'M LLOYD DILLON WITH THE BOARD'S PERMITTING AND
3 ENFORCEMENT DIVISION. I'LL BE MAKING THE PRESENTATION ON
4 AGENDA ITEM 7 TODAY, CONSIDERATION OF REVISED SOLID WASTE
5 FACILITY PERMIT FOR THE SAN JOAQUIN COMPOSTING FACILITY IN
6 KERN COUNTY.

7 WE RECEIVED A REVISED PERMIT FOR THE SAN
8 JOAQUIN COMPOSTING FACILITY REQUESTING TO UPGRADE THE PERMIT
9 FROM A STANDARD COMPOSTING PERMIT TO A FULL SOLID WASTE
10 FACILITIES PERMIT, MAINLY TO ALLOW FOR THE TEMPORARY STORAGE
11 OF BIO-SOLIDS, NOT DIRECTLY INTENDED FOR COMPOSTING BUT FOR
12 LAND-SPREADING.

13 SAN JOAQUIN COMPOSTING CURRENTLY HAS A
14 STANDARDIZED COMPOSTING PERMIT ALLOWING THE USE OF GREEN
15 WASTE, AGRICULTURAL WASTE AND BIO-SOLIDS AS THEIR FEED STOCK
16 FOR COMPOST. THE PROJECT'S ANNUAL TONNAGE, 786,000 TONS,
17 WILL NOT CHANGE AS A RESULT OF THIS PERMIT REVISION.
18 NEITHER WILL THE SOURCE OR TYPES OF FEED STOCK.

19 THE ONLY THING THAT CHANGES FROM CURRENT
20 OPERATIONS IS THAT THE FACILITY CAN NOW STORE BIO-SOLIDS
21 MEANT FOR ITS LAND-SPREADING OPERATIONS DURING PERIODS WHEN
22 IT'S NOT POSSIBLE TO DIRECTLY DELIVER THEM TO THOSE
23 OPERATIONS OR TO LAND-SPREAD THEM.

24 THERE ARE CONDITIONS WITHIN THIS PERMIT

1 RELATING TO THE STORAGE OF BIO-SOLIDS. THE MAXIMUM ANNUAL
2 TONNAGE ALLOWED. IF THE LEA DETERMINES THAT THE STORAGE OF
3 BIO-SOLIDS CREATES A NUISANCE OR THREAT TO PUBLIC HEALTH OR
4 THE ENVIRONMENT THE LEA CAN PROHIBIT OR CONDITION CONTINUED
5 USE. AND THESE BIO-SOLIDS CAN BE STORED ON SITE FOR NO
6 LONGER THAN NINE MONTHS, THEN THEY MUST BE COMPOSTED OR
7 TRANSFERRED OFF SITE.

8 THIS ITEM WAS ORIGINALLY ON LAST MONTH'S
9 AGENDA FOR BOARD CONSIDERATION, BUT RECEIVED A LETTER OF
10 OPPOSITION LATE THE EVENING JUST BEFORE THE BOARD MEETING.
11 THAT LETTER, FROM A COMPETITOR, MENTIONED THREE AREAS OF
12 ISSUE. THE APPLICANT, MCCARTHY FARMS, WITHDREW THE PERMIT
13 FROM THE AGENDA SO THAT KERN COUNTY AND WE COULD EVALUATE
14 AND RESPOND TO THE ALLEGATIONS WITHIN THE LETTER.

15 KERN COUNTY PLANNING DEPARTMENT, THE LEA, AND
16 BOARD STAFF, BOTH TECHNICAL AND LEGAL STAFF, EVALUATED THE
17 LETTER'S POINTS AND DETERMINED THAT FOR EACH OF OUR
18 RESPECTIVE AREAS OUR ORIGINAL ANALYSIS WAS OKAY, AND THAT WE
19 SHOULD PROCEED BY PUTTING THIS ON THE AGENDA FOR YOUR
20 CONSIDERATION.

21 AT OUR BRIEFINGS WITH EACH OF YOU LAST WEEK
22 YOU WERE GIVEN COPIES OF THAT LETTER OF OPPOSITION, KERN
23 COUNTY PLANNING DEPARTMENT'S RESPONSE, ANOTHER LETTER STAFF
24 HAS RECEIVED ON THIS ITEM.

1 WE UNDERSTAND THAT, AS OF LAST FRIDAY, APRIL
2 23RD, THE OPPONENT WILL NOT PURSUE ITS OPPOSITION TO THE
3 PERMIT.

4 MEMBERS ARE IN THE AUDIENCE REPRESENTING THE
5 KERN COUNTY LEA OFFICE, KERN COUNTY PLANNING DEPARTMENT, THE
6 L.A. COUNTY SANITATION DISTRICT, THE ORANGE COUNTY
7 SANITATION DISTRICT, SAN JOAQUIN COMPOSTING, AND MCCARTHY
8 FARMS.

9 STAFF AND THE LEA MADE RECENT INSPECTIONS AT
10 THE FACILITY AS PART OF OUR PRE-PERMIT INSPECTION PROGRAM
11 AND THERE WERE NO NOTED VIOLATIONS.

12 MR. BILL O'RULLIAN OF THE LEA'S OFFICE, KERN
13 COUNTY LEA'S OFFICE, IS HERE TO ANSWER QUESTIONS IF YOU HAVE
14 ANY.

15 AT THIS TIME STAFF WOULD RECOMMEND BOARD
16 CONCURRENCE IN THE ISSUANCE OF THIS SOLID WASTE FACILITY
17 PERMIT FOR THE SAN JOAQUIN COMPOSTING FACILITY IN KERN
18 COUNTY, AND ADOPTION OF RESOLUTION 1999-96.

19 AND THAT CONCLUDES STAFF'S PRESENTATION.

20 CHAIRMAN EATON: ANY QUESTIONS, COMMENTS?

21 HEARING NONE, I'LL ENTERTAIN A MOTION.

22 MEMBER ROBERTI: I MOVE.

23 MEMBER PENNINGTON: AND I WILL SECOND IT.

24 CHAIRMAN EATON: ALL RIGHTY, SENATOR ROBERTI

1 MOVES, AND MR. PENNINGTON SECONDS, THAT WE ADOPT RESOLUTION
2 1999-96.

3 WITHOUT OBJECTION, WE'LL SUBSTITUTE THE
4 PREVIOUS ROLL CALL. HEARING NO OBJECTIONS, SO SHALL BE THE
5 ORDER.

6 AGENDA ITEM 8: SEMI-ANNUAL UPDATE AND PUBLICATION OF
7 THE INVENTORY OF SOLID WASTE FACILITIES VIOLATING STATE
8 MINIMUM STANDARDS

9 CHAIRMAN EATON: LADIES AND GENTLEMEN, WE HAVE ONE
10 MORE ITEM, ITEM NO. 8. DUE TO THE FACT THAT SACRAMENTO
11 COUNTY HAS BEEN -- ASKED FOR A CONTINUANCE AND BEEN GRANTED
12 AN CONTINUANCE AND WAIVED THE 60 DAYS -- WE HAD ALLOTTED
13 APPROXIMATELY AN HOUR AND A HALF TO HEAR THAT ITEM WHICH, IF
14 ALL WOULD HAVE GONE ACCORDING TO THE ITEM AS PRESENTED ALL
15 THE WAY UP UNTIL LATE YESTERDAY AFTERNOON WHEN WE RECEIVED
16 THE LETTER, THAT WOULD HAVE PUT US AT 11:30.

17 SO, AFTER THIS ITEM, DUE TO THE FACT THAT
18 SOME OF THE INDIVIDUALS ON ITEMS 10 AND 11 HAVE BEEN
19 SCHEDULED FOR TIMES SPECIFIC, WE WILL RECESS AFTER THIS ITEM
20 UNTIL ONE O'CLOCK, AT WHICH TIME WE WILL HEAR ITEM NO. 11,
21 AND THEN GO BACK -- OR ITEM -- I'M SORRY, ITEM NO. 10, AND
22 THEN IMMEDIATELY GO IN AT 1:30 INTO OUR REGULARLY --
23 HEARING, IN WHICH CASE WE'LL FINISH UP FOR THE DAY.

24 OKAY, MS. NAUMAN.

1 MS. NAUMAN: MR. CHAIRMAN, THE NEXT ITEM IS THE
2 SEMI-ANNUAL UPDATE OF THE INVENTORY OF SOLID WASTE
3 FACILITIES THAT ARE VIOLATING STATE MINIMUM STANDARDS. WE
4 LAST REPORTED TO YOU IN NOVEMBER OF LAST YEAR, AND VANCE
5 TRACY IS HERE THIS MORNING TO GIVE YOU THE CURRENT UPDATE.

6 MR. TRACY: GOOD MORNING CHAIRMAN EATON, MEMBERS
7 OF THE BOARD. THIS ITEM, AS SHE SAID, IS A PRESENTATION OF
8 UPDATED INVENTORY OF FACILITIES VIOLATING STATE MINIMUM
9 STANDARDS.

10 AS YOU KNOW, PRC, THAT'S PUBLIC RESOURCES
11 CODE, SECTION 44104 REQUIRES THE BOARD TO UPDATE AND PUBLISH
12 THE INVENTORY TWICE EACH YEAR. THE LAST UPDATE AND
13 PUBLICATION WAS IN OCTOBER, ACTUALLY, OF '98.

14 AT THE TIME THERE WERE 28 FACILITIES IN THE
15 INVENTORY. THE CURRENT INVENTORY, WHICH IS ATTACHMENT 1 OF
16 YOUR ITEM PACKET, HAS 24 FACILITIES. OF THE FACILITIES
17 CURRENTLY LISTED 18 ARE FOR LANDFILL GAS VIOLATIONS, AND SIX
18 ARE FOR NON-LANDFILL GAS VIOLATIONS.

19 SINCE THE LAST UPDATE EIGHT FACILITIES WERE
20 REMOVED FROM THE LIST, AND FOUR WERE ADDED. THREE OF THE
21 FACILITIES FROM THE LAST LIST WERE REMOVED FOR CORRECTING
22 LANDFILL GAS VIOLATIONS, AND FIVE WERE REMOVED FOR
23 CORRECTING NON-LANDFILL GAS VIOLATIONS. OF THE FOUR
24 FACILITIES ADDED TO THE LIST SINCE THE LAST UPDATE TWO ARE

1 FOR LANDFILL GAS VIOLATIONS, AND TWO ARE FOR OTHER STATE
2 MINIMUM STANDARDS VIOLATIONS, OR NON-LANDFILL GAS
3 VIOLATIONS.

4 I'D LIKE TO SHOW YOU AN OVERHEAD OF -- TO
5 SHOW YOU WHAT THE TREND IS WITH THE INVENTORY, IN TERMS OF
6 THE NUMBERS.

7 A PREVIOUS EDITION OF THE BOARD SET A GOAL OF
8 REDUCING THE NUMBER OF FACILITIES IN THE INVENTORY FOR NON-
9 LANDFILL GAS VIOLATIONS BY 25 PERCENT BY THE YEAR 2001.
10 USING THAT NUMBER AS A BASIS, USING THE NUMBER OF FACILITIES
11 THAT WERE LISTED FOR NON-LANDFILL GAS AS OF JANUARY '97,
12 THEY WANTED TO REDUCE THAT NUMBER BY 25 PERCENT, WHICH WOULD
13 PUT THE NUMBER AT ABOUT 20 FACILITIES LISTED FOR NON-
14 LANDFILL GAS VIOLATIONS.

15 OKAY. AS YOU COULD SEE FROM THE GRAPH THERE,
16 WE HAVE EXCEEDED THAT GOAL SIGNIFICANTLY. IN ADDITION, WE
17 ARE SEEING A STEADY DECLINE IN THE TOTAL NUMBER OF
18 FACILITIES LISTED. IF THE TREND CONTINUES WE WILL
19 EVENTUALLY COME TO A STEADY STATE OF APPROXIMATELY A DOZEN
20 OR SO FACILITIES LISTED EVERY TIME FOR EACH UPDATE.

21 FOR YOUR INFORMATION, THE UPDATE INVENTORY
22 AND A READING GUIDE TO IT ARE AVAILABLE ON THE BOARD'S WEB
23 SITE, IF YOU'RE INTERESTED.

24 AND, THIS CONCLUDES MY PRESENTATION. ARE

1 THERE ANY QUESTIONS ABOUT THE INVENTORY IN GENERAL, OR ABOUT
2 SPECIFIC FACILITIES ON THE LIST?

3 CHAIRMAN EATON: QUESTIONS?

4 MEMBER JONES: JUST A COMMENT. I THINK THAT P&E
5 STAFF NEEDS TO BE CONGRATULATED. THIS THING HAS GONE THE
6 RIGHT DIRECTION. THE LANDFILL GAS ISSUES ARE ISSUES THAT
7 TAKE TIME, MONEY AND EFFORT TO -- AND PLENTY OF LOCAL
8 POLITICS -- BUT, I'M HAPPY TO SEE THAT WE'VE GOT LESS LITTER
9 VIOLATIONS, LESS SECURITY VIOLATIONS, THOSE TYPES OF THINGS
10 THAT ARE TRULY MANAGEABLE. SO, I THINK PEOPLE ARE DOING
11 THEIR JOB.

12 CHAIRMAN EATON: THANK YOU.

13 AS MENTIONED PREVIOUSLY, THAT COMPLETES THIS
14 PORTION OF THIS MORNING'S.... WE'LL STAND IN RECESS UNTIL
15 1:15, AT WHICH TIME WE WILL HEAR ITEM NO. 10, AND THEN GO
16 INTO OUR PUBLIC HEARING.

17 (WHEREUPON, THE LUNCHEON RECESS WAS TAKEN.)

18 - - - -
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9 AFTERNOON SESSION

1:15 O'CLOCK P.M.

10 -- oOo --

11 CHAIRMAN EATON: ALL RIGHTY, THE APRIL 27TH
12 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD MEETING IS BACK
13 IN SESSION.

14 WE HAVE TWO REMAINING ITEMS ON TODAY'S
15 PORTION OF THE AGENDA. WE DO HAVE A HEARING THAT'S
16 SCHEDULED FOR 1:30, WE HAVE A FEW MINUTES BEFORE THEN, AND I
17 BELIEVE WITH NOT TOO MUCH INCONVENIENCE TO THE HEARING, THAT
18 WE WOULD BE ABLE TO TAKE UP ITEM NO. 10 BEFORE ITEM NO. 9.

19 SO, WITHOUT ANY OBJECTION TO BE MOVING IN THAT DIRECTION,
20 WE'LL PROCEED WITH ITEM NO. 10.

21 AGENDA ITEM 10: CONSIDERATION AND APPROVAL OF THE
22 SUSTAINABLE BUILDING CONCEPTUAL PLAN AND THE ROLE OF THE
23 CIWMB IN SUSTAINABLE BUILDING ACTIVITIES

24 MS. FREVERT: HELLO, I'M KATHY FREVERT FROM THE

1 WASTE PREVENTION AND MARKET DEVELOPMENT DIVISION HERE AT THE
2 BOARD. AND I'M HERE TODAY TO ADDRESS AGENDA ITEM 10, WHICH
3 IS THE SUSTAINABLE BUILDING PLAN.

4 AND I WANT TO START OFF BY RECOGNIZING -- WE
5 HAVE OUR SUBCONTRACTOR ON THIS PROJECT, DAVID GOTTFRIED
6 HERE, FROM GOTTFRIED TECHNOLOGIES, ALSO KNOWN AS GTEK, AND
7 I'LL BE REFERRING TO THAT THROUGHOUT THIS PRESENTATION.

8 AS WE BEGIN I WANT TO HIGHLIGHT THAT THE
9 SUSTAINABLE BUILDING PLAN IS A CONCEPTUAL PLAN. AND BY THIS
10 IT MEANS -- BY THIS WE MEAN THAT IT IS A PLAN THAT DOESN'T
11 CONTAIN ALL OF THE IMPLEMENTATION STEPS, THAT COMES A LITTLE
12 BIT LATER. IT DOES CONTAIN A VISION AND GOALS FOR THE LONG
13 TERM, IT HAS TWO-YEAR RECOMMENDATIONS OF HOW WE CAN BEST
14 SPEND UP TO \$500,000 TO ADVANCE SUSTAINABLE BUILDING
15 PROGRAMS. AND, IF APPROVED, IT WOULD BE FOLLOWED BY AN
16 IMPLEMENTATION PLAN AND CONTRACT CONCEPTS.

17 WHAT IS A SUSTAINABLE BUILDING, OR A GREEN
18 BUILDING? SIMPLY PUT, IT IS A STRUCTURE DESIGNED, BUILT,
19 RENOVATED, OPERATED, OR REUSED IN AN ECOLOGICAL AND
20 RESOURCE-EFFICIENT MANNER. IT RESULTS IN ENHANCED OCCUPANT
21 HEALTH, PRODUCTIVITY, COST SAVINGS, AND A BETTER
22 ENVIRONMENT.

23 HOW DOES THIS RELATE TO YOUR MISSION?
24 SUSTAINABLE BUILDINGS IMPROVE PUBLIC HEALTH, CONSERVE

1 RESOURCES, REDUCE POLLUTION, IMPROVE MARKETS FOR USED AND
2 RECYCLED-CONTENT BUILDING AND LANDSCAPING MATERIALS, AND IT
3 ALSO REDUCES C&D WASTE ENTERING LANDFILLS.

4 THE PROCESS TO DEVELOP THIS PLAN TO DATE HAS
5 BEEN -- BACK IN OCTOBER WE HAD A CONTRACT WITH THE CITY OF
6 SANTA MONICA. IN DECEMBER WE HAD A MEETING WITH THE BOARD
7 AND GTEK TO LOOK AT A VISION AND GOALS, AND WHO IS OUR
8 AUDIENCE IN THIS, AND WE IDENTIFIED OURSELVES AS STATE
9 GOVERNMENT AS BEING A KEY AUDIENCE, ALONG WITH LOCAL
10 GOVERNMENT.

11 IN FEBRUARY GTEK PRESENTED ITS DRAFT PLAN.
12 AND THEY HAD A BRAINSTORMING SESSION TOWARD THE END OF THE
13 MONTH WHERE THEY FOCUSED IN ON THE MEASURES THAT -- THE MENU
14 OF OPTIONS BEFORE US, TO FINE TUNE THOSE. AND THE RESULT
15 WAS A MEETING WITH THE BOARD TO PRESENT THOSE OPTIONS. AND
16 THEN, FINALLY, THE DRAFT PLAN THAT WE HAVE BEFORE US TODAY.

17 THE DECISIONS FOR THE BOARD TODAY ARE TO LOOK
18 AT, DO WE WANT TO MOVE FORWARD WITH IMPLEMENTING THE
19 SUSTAINABLE BUILDING PLAN. WE SEEK SOME DIRECTION ON THE
20 IMPLEMENTATION, AND THEN APPROVAL OF OUR NEXT STEPS.

21 THE MEASURES THAT GTEK CONSIDERED WHILE
22 DEVELOPING THIS WERE STANDARDS AND REGULATIONS, FINANCIAL
23 INCENTIVES, DEMONSTRATION BUILDINGS, INFORMATIONAL
24 RESOURCES, EDUCATION, TRAINING, BUILDING RATING SYSTEMS,

1 GUIDELINES, CERTIFICATION OF PROFESSIONALS, MATCHED FUNDING
2 AND PARTNERSHIPS, AND FINALLY AN EXECUTIVE-LEVEL COMMITTEE.

3 TO THESE MEASURES, THIS MENU OF OPTIONS, THEY CONSIDERED
4 VARIOUS CRITERIA.

5 ONE REALLY KEY ONE IS ARE WE ABLE TO COMPLETE
6 IT IN TWO YEARS. WE HAVE THE MONEY ALLOCATED FOR THIS, A
7 TOTAL OF \$500,000 IS TO BE SPENT IN TWO YEARS.

8 DOES A MEASURE MEET A REAL NEED? DOES IT
9 FILL A GAP? IS IT AN APPROPRIATE ROLE FOR US? IS THERE A
10 HIGH OVERALL IMPACT IN RESULTS THAT CAN BE EXPECTED? ARE
11 THERE PARTNERING POTENTIAL, OPPORTUNITIES FOR LEVERAGE?
12 DOES IT PROVIDE US WITH EXPERIENCE AND VISIBILITY? IS IT A
13 MAJOR DRIVER TO THE GOALS AND VISION THAT WE DEVELOPED?
14 AND, ALSO, AND VERY IMPORTANTLY, DOES IT HAVE A MOMENTUM, DO
15 WE GET THE FUNDS AND CREATE INSTITUTIONAL CHANGES THAT WILL
16 KEEP THIS SOMETHING THAT'S ENDURING?

17 GTEK CAME BACK AND RECOMMENDED TO US THAT,
18 ONE, WE CREATE A SUSTAINABLE BUILDING EXECUTIVE COMMITTEE,
19 THAT WE CREATE A SUSTAINABLE BUILDING GRANT PROGRAM AND,
20 FINALLY, THAT WE PROVIDE EDUCATION, TRAINING, AND GUIDELINES
21 DEVELOPMENT.

22 AND I'M GOING TO WALK BRIEFLY THROUGH THESE
23 THREE RECOMMENDED MEASURES, TALK A LITTLE BIT ABOUT THEM,
24 THEIR PURPOSE, WHAT ARE SOME OPTIONS FOR IMPLEMENTING THEM,

1 AND OUR RECOMMENDATION.

2 FOR THE EXECUTIVE-LEVEL COMMITTEE, THAT WOULD
3 BE A COALITION OF SOME OF THE -- IT'S A HIGH-LEVEL COMMITTEE
4 WITH VARIOUS BOARDS, DEPARTMENT, AGENCIES THAT ARE INVOLVED
5 WITH SUSTAINABLE BUILDING DEVELOPMENT. IT WOULD ALSO
6 INCLUDE SUSTAINABLE BUILDING EXPERTS, PRIVATE SECTOR
7 ENTITIES SUCH AS UTILITIES, PERHAPS SOME OF THE COMPANIES
8 THAT HAVE SUSTAINABLE BUILDINGS LIKE THE GAP, THAT COMES TO
9 MIND.

10 THE PURPOSE OF THIS COMMITTEE WOULD BE
11 OVERALL SUPERVISION, MANAGEMENT, AND INTEGRATION OF STATE
12 AGENCY SUSTAINABLE BUILDING EFFORTS, TO IDENTIFY AND SEEK
13 APPROACHES TO INSTITUTIONALIZE THESE EFFORTS, AND -- THIS IS
14 A RATHER UNIQUE ONE, THIS LAST ITEM -- AND THAT'S TO SEEK
15 FUNDING TO ENSURE THE IMPLEMENTATION AND LONG-TERM FUTURE.
16 THERE MIGHT BE OPPORTUNITIES TO FIND -- TO DO MATCHED
17 FUNDING, TO LOOK AT SOME OF THE MONEY AVAILABLE THROUGH
18 UTILITIES. AND, SO THIS GROUP WOULD BE FOCUSING ON HOW WE
19 CAN GET ACCESS TO SOME OF THOSE FUNDS.

20 AS TO HOW WE IMPLEMENT IT, ONE OPTION IS THAT
21 WE SPEARHEAD THE EFFORT, AND IT'S SUPPORTED BY BOARD STAFF.

22 ANOTHER OPTION IS TO LOOK AT ANOTHER ENTITY TO SPEARHEAD
23 IT, YOU KNOW, PERHAPS CAL EPA, AND THEN IT WOULD BE
24 SUPPORTED BY BOARD STAFF AND OTHERS.

1 WE RECOMMEND OPTION 1A, THAT IT BE
2 SPEARHEADED BY US AND SUPPORTED BY OUR STAFF, MAINLY BECAUSE
3 IT GIVES US ASSURANCE THAT IT MOVES FORWARD, THAT IT
4 HAPPENS.

5 THE FUNDING RECOMMENDED FOR THIS IS 50,000,
6 AND THAT'S PARTLY FOR SEED MONEY. IT DEALS WITH TRYING TO
7 SOLICIT THE MATCHED FUNDINGS.

8 THE SUSTAINABLE BUILDING GRANT PROGRAM,
9 THAT'S LOOKING AT POTENTIAL USES OF GRANTS FOR UNDER 25K.
10 THESE COULD BE USED FOR SUSTAINABLE BUILDING DESIGN
11 ASSISTANCE. AND WE'VE HAD A NUMBER OF REQUESTS FROM LOCAL
12 GOVERNMENT FOR THAT TYPE OF ASSISTANCE: WORKSHOPS,
13 SPONSORSHIP, AID FOR EDUCATION AND TRAINING EFFORTS, AND
14 AWARD RECOGNITION PROGRAMS, ALONG WITH OTHER THINGS THAT
15 WOULD FIT THE CRITERIA YET TO BE ESTABLISHED.

16 THE PURPOSE, THEN, IS TO PROVIDE THE EXTRA
17 FUNDING TO EMPOWER AND LEVERAGE EXISTING BUILDING EFFORTS --
18 AND I EMPHASIZE EXISTING JUST BECAUSE OF THE TIMING
19 CONSIDERATION, WHERE WE HAVE TO IMPLEMENT THIS IN TWO YEARS.
20 AND TO MAKE SUSTAINABLE BUILDINGS HAPPEN.

21 OUR OPTIONS, ONCE AGAIN, IT'S A RANGE OF HOW
22 MUCH DO WE DO IN-HOUSE VERSUS HOW MUCH DO WE RELY ON OTHERS.
23 ONE IS TO OPERATE A GRANT PROGRAM IN-HOUSE USING
24 COMPETITIVE GRANTS.

1 OPTION 2B IS TO DELEGATE THE AUTHORITY TO
2 DISTRIBUTE FUNDS TO A STEERING COMMITTEE, NONPROFIT, OR
3 OTHER ORGANIZATION, AND HAVE NON-COMPETITIVE GRANTS. THE
4 BENEFIT HERE IS THAT THEY OFFER A FAIRLY QUICK TURNAROUND.

5 AND 2C IS TO CONTRACT WITH AN ORGANIZATION
6 THAT SPECIALIZES IN SCORING GRANTS, AND THEN HAVE THE REST
7 OF THE PROGRAM IN-HOUSE.

8 NOW, WITH ALL THESE OPTIONS I'M DISCUSSING,
9 THE IMPLEMENTATION PLAN, WE WOULD LOOK AT THEM MORE CLOSELY
10 FOR THE DETAILS OF HOW WE WOULD CARRY THAT OUT.

11 I RECOMMEND -- OUR RECOMMENDED OPTION HERE IS
12 2B, AND THAT IS TO DELEGATE THE AUTHORITY TO DISTRIBUTE
13 FUNDS. AND WE RECOMMEND ALLOCATING 325,000 TO THIS OPTION.
14 OR, TO THIS MEASURE.

15 AND THE LAST AREA OF RECOMMENDATIONS LIES IN
16 EDUCATION, TRAINING, AND GUIDELINES DEVELOPMENT, AND HERE WE
17 WOULD BE LOOKING AT DEVELOPING GUIDELINES, CASE STUDIES, A
18 TOOL KIT, WEB SITE, WORKSHOPS, FUNDING SOURCES -- FUNDING IS
19 A MAIN BARRIER TO IMPLEMENTING SUSTAINABLE BUILDING
20 PRACTICES -- AND TRACKING OUR PROGRESS.

21 THE PURPOSE, THEN, IS TO PROVIDE EASY ACCESS
22 TO EDUCATIONAL MATERIALS AND GUIDELINES, CREATE NEW
23 MATERIALS WHERE NEEDED, PROVIDE TRAINING, AND THEN MARKET
24 THESE RESOURCES.

1 OUR OPTIONS ARE, ONE, WE LOOKED AT CAN WE
2 IMPLEMENT THIS IN-HOUSE; 3B DO WE CONTRACT WITH AN OUTSIDE
3 ENTITY TO PROVIDE THESE SERVICES; OR, CAN WE IMPLEMENT IT
4 THROUGH ANOTHER STATE AGENCY OR LOCAL GOVERNMENT.

5 WE RECOMMEND OPTION 3A, WHICH IS TO IMPLEMENT
6 THIS IN-HOUSE. THE REASON BEING IS THAT WE HAVE A LOT OF
7 EXPERTISE AMONG OUR STAFF ALREADY. WE HAVE QUITE A BIT OF
8 EXPERIENCE IMPLEMENTING EDUCATION PROGRAMS, AND SO WE FEEL
9 THAT THIS IS IN LINE WITH OUR EXPERIENCE AND EXPERTISE
10 ALREADY.

11 WE DO HAVE SOME FUNDING THAT'S NEEDED IN THIS
12 CATEGORY, BECAUSE WE DO HAVE TO RELY ON OUTSIDE ASSISTANCE
13 FOR THINGS SUCH AS GUIDELINES DEVELOPMENT.

14 AND, OUR RECOMMEND NEXT STEPS ARE TO ASSIGN
15 STAFF -- WE SUGGEST THREE STAFF -- TO DEVELOP THIS, THE
16 IMPLEMENTATION PLAN THAT I'VE REFERRED TO.

17 PART OF THIS EFFORT WILL BE TO DISTRIBUTE THE
18 SUSTAINABLE BUILDING PLAN BEFORE YOU, SOLICIT FEEDBACK, AND
19 FURTHER IDENTIFY THE SPECIFIC PROJECTS THAT NEED ASSISTANCE.

20 AND THEN, FINALLY, CREATE THE IMPLEMENTATION PLAN AND
21 PREPARE THE CONTRACT CONCEPTS, WHICH WE WOULD COME BACK TO
22 THE BOARD WITH.

23 AND THAT IS THE END OF THE POWER-POINT
24 PRESENTATION. AND DAVID GOTTFRIED AND I ARE AVAILABLE TO

1 ANSWER ANY OF YOUR QUESTIONS.

2 CHAIRMAN EATON: MEMBERS, ANY QUESTIONS?

3 MEMBER PENNINGTON: MR. CHAIRMAN.

4 CHAIRMAN EATON: MR. PENNINGTON.

5 MEMBER PENNINGTON: I THINK THIS IS A VERY GOOD
6 REPORT. I'M CURIOUS, THOUGH, THAT IT'S DIRECTED MOSTLY AT
7 OFFICE-TYPE BUILDINGS.

8 IS THAT CORRECT?

9 MS. FREVERT: AS COMPARED TO RESIDENTIAL?

10 MEMBER PENNINGTON: YES.

11 MS. FREVERT: YES, IT IS.

12 AND PERHAPS, DAVID, YOU CAN HELP EXPLAIN WHY
13 WE DID THAT.

14 MR. GOTTFRIED: I WOULD SAY YES AND NO. WHEN YOU
15 LOOK AT SUSTAINABLE BUILDING IT IS EASIEST TO START WITH
16 COMMERCIAL BUILDINGS. ONE, BECAUSE YOU HAVE A LOT OF
17 AGGREGATED DENSITY. IF YOU GET TO INDIVIDUAL HOMES IT'S
18 VERY HARD TO DO A LOT FAST. BUT, WE LOOK TO LEVERAGE
19 THROUGH LOCAL GOVERNMENTS, AND THEY HAVE A MANDATE TO DO
20 BOTH COMMERCIAL AND RESIDENTIAL. SO, IF WE HELP THEM WITH
21 GUIDELINES THEN THEY DO BOTH COMMERCIAL AND RESIDENTIAL,
22 THEN WE CAN HIT BOTH.

23 SO I WOULD SAY THERE'S PROBABLY A BIAS WITH
24 COMMERCIAL MOSTLY, BECAUSE THE U.S. HAS STARTED THERE WITH

1 ITS RATING SYSTEMS, BUT WE DO HAVE THE DUAL APPROACH -- AS
2 WELL AS OTHER STRUCTURES, UNIVERSITIES, LABORATORIES,
3 COMMERCIAL RETAIL, HOTELS, ANY OF THE AREAS THAT WASTE A LOT
4 IN TERMS OF MATERIALS AND ENERGY.

5 MEMBER PENNINGTON: WELL, I GUESS WHAT I'M GETTING
6 AT IS I'D LIKE TO SEE US MAYBE EXPLORE A LITTLE BIT MORE THE
7 USE OF GRANT FUNDS AND INCENTIVES TOWARDS NONPROFIT HOUSING
8 ORGANIZATIONS, LOW- TO MODERATE-INCOME HOUSING DEVELOPMENTS.

9 THEY ARE ALWAYS LOOKING FOR ADDITIONAL FUNDING. THEY ARE
10 HIGH-DENSITY DEVELOPMENT. AND, SO I WOULD THINK THAT IT
11 WOULD BE AN AREA THAT WOULD GET US MOVING IN THAT
12 RESIDENTIAL AREA, AND YET AN AREA THAT CAN ALWAYS USE THE
13 FINANCIAL INCENTIVES THAT WE MIGHT BE ABLE TO PROVIDE THEM.

14 MR. GOTTFRIED: ONE OF OUR SUBCONTRACTORS WAS LYNN
15 SIMON WITH GLOBAL GREEN, AND THEY HAVE DONE A LOT OF WORK
16 WITH HABITAT FOR HUMANITY IN GREEN BUILDINGS, AND SO THERE'S
17 A NATURAL PARTNERING THERE IS ONE IDEA.

18 MEMBER PENNINGTON: THERE'S A LOT OF LOCAL
19 GOVERNMENTS THAT ARE INVOLVED IN DEVELOPING LOW- TO
20 MODERATE-INCOME HOUSING WHICH I THINK THAT WE WOULD BE ABLE
21 TO WORK WITH HERE, TOO.

22 CHAIRMAN EATON: ANY QUESTIONS?

23 I WOULD AGREE WITH YOU, MR. PENNINGTON, THAT
24 WE OUGHT TO LOOK AT THE RESIDENTIAL SIDE FOR A NUMBER OF

1 REASONS. AND I THINK SOME PEOPLE IN THE AUDIENCE WILL ALSO.

2 AND, AFTER ALL, THIS IS GOING TO BE AN IMPLEMENTATION PLAN
3 THAT WILL COME BACK TO US SO THAT WE GET AT LEAST ONE
4 ADDITIONAL LOOK, AND PERHAPS MORE, IN TERMS OF THE OVERALL
5 PLAN.

6 BECAUSE, ONE OF THE THINGS THAT I DISCOVERED
7 AT LEAST WHEN -- IN MY TRIP DOWN TO THE RESIDENTIAL AREA --
8 WE WERE TALKING ABOUT FORT ORD, SO THIS KIND OF DOVETAILS
9 WITH WHAT YOU'RE SAYING, ABSOLUTELY -- IS THE FACT THAT THE
10 LIFE CYCLE ANALYSIS DOES NOT REALLY APPLY TO THE DEVELOPER
11 IN SO MANY WAYS, BECAUSE HE OR SHE DOES NOT GET THE BENEFIT
12 OF THE LIFE CYCLE ANALYSIS, SO THEIR BENEFIT IN
13 SUSTAINABILITY MUST COME ON THE FRONT-END.

14 FOR INSTANCE, IF WE BUY THE HOME AND WE HAVE
15 AN ENERGY-EFFICIENT FURNACE OR SOME SORT OF MECHANISM, WE AS
16 THE HOMEOWNER WILL RECOUP THAT IN LOWER COSTS OVER THE TIME
17 THAT WE LIVE THERE. A DEVELOPER, WHEN HE OR SHE DEVELOPS
18 THE RESIDENTIAL PROPERTY --

19 MEMBER PENNINGTON: THEY'RE GONE. YEAH.

20 CHAIRMAN EATON: THEY'RE GONE. EXCEPT, YOU KNOW,
21 THERE'S A SITUATION. SO ONE OF THAT AREA IS SENSITIVE, IT'S
22 AN AREA THAT NEEDS TO BE LOOKED AT TO PROVIDE THOSE KINDS OF
23 INCENTIVES IN THE RESIDENTIAL. SO, I DON'T THINK THEY'RE
24 INCONSISTENT, BUT WE WOULD -- I THINK I WOULD AGREE WITH

1 YOU, THAT IF WE COULD GO BACK AND JUST TAKE A LOOK AT SOME
2 ASPECTS OF IT.

3 THE OTHER SITUATION THAT I THINK THAT I HAVE
4 A CONCERN ABOUT IS THAT -- THAT THE DIRECTION, IN TERMS OF
5 DELEGATING THE GRANT AUTHORITY SHOULD COME, PROBABLY, BACK
6 TO THE BOARD TO BE LOOKED AT.

7 MEMBER PENNINGTON: ABSOLUTELY.

8 CHAIRMAN EATON: AND I THINK THAT THAT'S JUST
9 SOMETHING THAT -- YOU KNOW, IF WE CAN JUST -- AS PART OF
10 YOUR PLAN, THAT THAT SHOULD BE LOOKED AT, AS OPPOSED TO
11 LOOKING AT SOMETHING.... I DON'T BELIEVE WE'VE DONE TOO
12 MANY CASES IN TERMS OF THAT DELEGATION, BUT IT SHOULD COME
13 BACK, AND SO WE KEEP A HANDLE ON IT. AND I THINK THOSE ARE
14 JUST MY COMMENTS.

15 SENATOR, MR. JONES, ANYTHING?

16 MEMBER JONES: WELL, I JUST HAD A QUESTION ON THAT
17 SAME ISSUE ABOUT DELEGATING THIS AUTHORITY, THE
18 RECOMMENDATION 2B. I'D LIKE A LITTLE MORE EXPLANATION AS TO
19 THE ADVANTAGES OF DELEGATING THAT AUTHORITY.

20 IT SAYS A MORE DIVERSIFIED GROUP, STUFF LIKE
21 -- YOU KNOW, THINGS LIKE THAT, BUT WHAT'S THE BENEFIT OVER
22 US LOSING CONTROL OVER THOSE DOLLARS?

23 MS. FREVERT: WELL, ONE CONCERN THAT WE HAD WITH
24 COMPETITIVE GRANTS, AT LEAST AS A COMPARISON, WAS THE TIME

1 IT TAKES FROM WHEN A REQUEST IS MADE TO WHEN THE FUNDS ARE
2 DISTRIBUTED. AND THE THOUGHT WAS THAT BY DELEGATING THIS WE
3 COULD GET FUNDS TO THE RECIPIENTS MORE QUICKLY.

4 AND, THAT WE THOUGHT WE COULD INCORPORATE
5 SOME MECHANISM TO HAVE THE OVERSIGHT THAT'S DESIRED BY
6 HAVING REPORTING -- REGULAR REPORTS COME BACK TO THE BOARD
7 ON HOW THINGS ARE PROGRESSING.

8 SO, WE THOUGHT WE COULD FIGURE OUT A WAY TO
9 GIVE THE OVERSIGHT THAT SOMETHING LIKE THAT WOULD NEED.

10 MEMBER JONES: DID YOU HAVE AN OPPORTUNITY TO TALK
11 TO OUR ADMIN PEOPLE TO SEE IF WE COULD INCORPORATE WHAT THE
12 BENEFITS WOULD BE OF TURNING OVER THAT RESPONSIBILITY, THAT
13 IF WE DID IT IN-HOUSE WHAT THEY'D HAVE TO CHANGE OR WHAT
14 THEY'D HAVE TO LOOK AT TO SEE IF WE COULD GET THE SAME
15 RESULTS?

16 MS. FREVERT: I SPOKE TO A NUMBER OF PEOPLE A LONG
17 TIME, I'M NOT -- YOU KNOW, IT WAS QUITE A WHILE BACK. BUT
18 WE CAN LOOK AT THAT MORE CLOSELY IN OUR IMPLEMENTATION PLAN
19 AND KEEP THAT OPEN, IF THAT WOULD BE HELPFUL.

20 MR. GOTTFRIED: ONE OTHER IMPORTANT ASPECT -- AND
21 THIS DOESN'T HAVE TO BE THE OVERALL APPROVAL, BUT AS PART OF
22 THE REVIEW OF THE GRANT, WOULD BE TO HAVE A MULTI-DISCIPLINE
23 TASK FORCE THAT HAD GREEN BUILDING EXPERTISE, WHICH MIGHT BE
24 ARCHITECTS, ENGINEERS, CONTRACTORS, PLANNERS, FROM THE

1 MULTITUDE OF EXPERTISE, PERHAPS, OUTSIDE OF WHAT THE WASTE
2 BOARD HAD. SO THAT COULD BE A STEP ONE, AND THEY MIGHT RANK
3 IT AND SCALE IT, AND THEN THE WASTE BOARD WOULD MAKE FINAL
4 DECISION.

5 MEMBER JONES: I WOULDN'T HAVE ANY PROBLEM WITH
6 THAT. I AM A BIG PROPONENT OF HAVING MORE EYES LOOKING AT
7 GRANTS, SO THAT'S FINE.

8 MS. FREVERT: OKAY.

9 MR. CHANDLER: MR. CHAIRMAN, MAYBE WE COULD LOOK
10 AT A CONCEPT SIMILAR TO WHAT WE HAVE INCORPORATED FOR OUR
11 TECHNICAL LOAN REVIEW COMMITTEE, WHERE WE HAVE THE EXPERTISE
12 LOOKING AT THE INDIVIDUAL APPLICATIONS, BUT ULTIMATELY THOSE
13 RECOMMENDATIONS COME TO THE BOARD FOR FINAL REVIEW AND
14 CONCURRENCE. SO, YOU CAN KIND OF EMBODY THE BEST OF BOTH
15 MECHANISMS.

16 CHAIRMAN EATON: AND THIS WOULD BE THE SECOND
17 STAGE ANYWAYS. IS THAT CORRECT? I MEAN, THE -- IF THEY GET
18 THE GRANT THEY COME BACK WITH AN IMPLEMENTATION PLAN?

19 MS. FREVERT: YEAH.

20 CHAIRMAN EATON: OKAY. SO THAT IT WOULD BE --

21 MS. FREVERT: THERE IS A PART TWO, YES.

22 CHAIRMAN EATON: OKAY. I THINK THAT'S A GOOD
23 OPTION TO LOOK AT.

24 MS. FREVERT: OKAY.

1 CHAIRMAN EATON: ARE THERE ANY OTHER QUESTIONS,
2 COMMENTS? A MOTION?

3 MEMBER JONES: MR. CHAIRMAN?

4 CHAIRMAN EATON: UM-HUM.

5 MEMBER JONES: I WANT TO CHANGE PART OF THE MOTION
6 THAT'S IN OUR PACKETS. I WANT TO ADOPT -- OR, I MOVE TO
7 ADOPT RESOLUTION 1999-142, AND ON THE SECOND PAGE -- OR, ON
8 THE BACK PAGE THE FUNDING WOULD BE 1A FOR 50 GRAND, 2A FOR
9 325 AS OPPOSED TO 2B, AND THEN 3A FOR 125.

10 CHAIRMAN EATON: SECOND? ALL RIGHTY --

11 MEMBER PENNINGTON: I'LL SECOND IT.

12 CHAIRMAN EATON: OKAY. MR. JONES MOVES, AND MR.
13 PENNINGTON SECONDS, THAT WE ADOPT RESOLUTION 1999-142, WITH
14 THE AMENDMENT BEING IN THE "NOW, THEREFORE, BE IT RESOLVED"
15 CLAUSE CHANGING LETTER 2B RELATING TO THE \$325,000
16 ALLOCATION TO 2A. ALL RIGHTY?

17 MADAM SECRETARY, WOULD YOU PLEASE CALL THE
18 ROLL?

19 MEMBER PENNINGTON: EXCUSE ME JUST ONE MOMENT, MR.
20 CHAIRMAN.

21 CHAIRMAN EATON: I'M SORRY.
22 MR. PENNINGTON?

23 MEMBER PENNINGTON: I WANT TO MAKE SURE I
24 UNDERSTAND, WHAT IS 2A?

1 CHAIRMAN EATON: 2A IS, IF YOU GO BACK -- I THINK,
2 AS MR. JONES HAS USED THE CRITERIA, THAT IT COMES BACK TO --
3 (THE BOARD MEMBERS CONFER.)

4 MEMBER PENNINGTON: OKAY, THAT'S FINE. YEAH.

5 CHAIRMAN EATON: IS THAT OKAY?

6 MEMBER PENNINGTON: YEAH, OH, ABSOLUTELY.

7 CHAIRMAN EATON: OKAY. OKAY.

8 MEMBER PENNINGTON: I'M VERY BIG ON DELEGATING OUR
9 AUTHORITY.

10 CHAIRMAN EATON: ALL RIGHT. MADAM SECRETARY,
11 PLEASE CALL THE ROLL.

12 THE SECRETARY: BOARD MEMBERS JONES?

13 MEMBER JONES: AYE.

14 THE SECRETARY: PENNINGTON?

15 MEMBER PENNINGTON: AYE.

16 THE SECRETARY: ROBERTI?

17 MEMBER ROBERTI: AYE.

18 THE SECRETARY: CHAIRMAN EATON?

19 CHAIRMAN EATON: AYE.

20 THE RESOLUTION PASSES.

21 ALL RIGHTY. NOW WE WILL RECESS THE REGULAR
22 SESSION AND MOVE TO ITEM 9, WHICH IS A PUBLIC HEARING FOR
23 THE CONSIDERATION OF THE REVOCATION OF ECONOMY TIRE SERVICE
24 MINOR WASTE TIRE FACILITY PERMIT.

1 BECAUSE THIS IS A PUBLIC HEARING, MADAM
2 SECRETARY, WOULD YOU PLEASE CALL THE ROLL?

3 THE SECRETARY: BOARD MEMBERS JONES?

4 MEMBER JONES: HERE.

5 THE SECRETARY: PENNINGTON?

6 MEMBER PENNINGTON: PRESENT.

7 THE SECRETARY: ROBERTI?

8 MEMBER ROBERTI: HERE.

9 THE SECRETARY: CHAIRMAN EATON?

10 CHAIRMAN EATON: PRESENT.

11 A QUORUM IS PRESENT.

12 AGENDA ITEM 9: PUBLIC HERAING FOR THE CONSIDERATION OF
13 REVOCATION OF THE MINOR WASTE TIRE FACILITY PERMIT ISSUED TO
14 ECONOMY TIRE SERVICE, STANISLAUS COUNTY

15 CHAIRMAN EATON: BEFORE WE BEGIN LET ME TAKE A
16 FEW MOMENTS, AS IS ALWAYS IN KEEPING WITH GOOD COUNSEL, TO
17 EXPLAIN HOW THIS HEARING WILL PROCEED, FOR THE BENEFIT OF
18 ALL OF THOSE CONCERNED.

19 FIRST, ALL THE WITNESSES WHO WILL BE
20 TESTIFYING IN THE PUBLIC HEARING LISTED AS AGENDA ITEM 9 IN
21 THE BOARD'S NOTICE WILL BE SWORN IN BY THE COURT RECORDER
22 ALL AT ONE TIME.

23 SECOND, THE BOARD'S LEGAL COUNSEL WILL GIVE A
24 DESCRIPTION OF THE LEGAL FRAMEWORK BY WHICH THE HEARING WILL

1 BE CONDUCTED, INCLUDING THE RELEVANT STATUTES, REGULATIONS,
2 AND REVIEW OF THE HEARING PROCEDURES AND ISSUES TO BE
3 DECIDED.

4 THIRD, THE BOARD WILL -- STAFF WILL MAKE A
5 PRESENTATION TO THE BOARD REGARDING THE REQUIREMENTS, NON-
6 COMPLIANCE, AND RECOMMENDATION.

7 FOURTH, THE ECONOMY TIRE SERVICE WILL BE
8 ALLOWED TO MAKE A PRESENTATION TO THE BOARD IN RESPONSE TO
9 STAFF'S COMMENTS. THEREAFTER THE BOARD CAN REBUT ANY OF THE
10 STATEMENTS MADE BY ECONOMY TIRE SERVICE IN ITS REBUTTAL
11 PRESENTATION.

12 IS THERE ANY QUESTIONS WITH REGARD TO ANY OF
13 THE PROCEDURES THAT WE'RE ABOUT TO EMBARK ON HERE TODAY?

14 HEARING NONE, I WILL ASK ALL THE PARTIES THAT
15 ARE GOING TO BE WITNESSES AS IT RELATES TO THIS AGENDA ITEM
16 AND PUBLIC HEARING TO STAND AND BE SWORN IN WHILE THE COURT
17 REPORTER ADMINISTERS THE OATH.

18 WHEREUPON,

19 ALL PERSONS WHO SHALL TESTIFY IN THE PUBLIC
20 HEARING FOR CONSIDERATION OF AGENDA ITEM 9

21 WERE DULY SWORN, AND DID TESTIFY AS FOLLOWS:

22 CHAIRMAN EATON: ALL RIGHTY. I THINK, MS. SMALL,
23 YOU WILL BEGIN THE PRESENTATION?

24 MS. SMALL: I SHALL.

1 CHAIRMAN EATON: WELCOME AGAIN.

2 MS. SMALL: THANK YOU VERY MUCH. GOOD AFTERNOON
3 BOARD MEMBERS AND MEMBERS OF THE PUBLIC. THIS PROCEDURE IS
4 TO CONSIDER THE REVOCATION OF THE MINOR WASTE TIRE FACILITY
5 PERMIT ISSUED TO SIXTO PORRAS, DOING BUSINESS AS ECONOMY
6 TIRES.

7 MR. PORRAS HAS BEEN DOING BUSINESS UNDER THE
8 BENEFIT OF A MINOR WASTE TIRE FACILITY PERMIT SINCE AUGUST
9 12, 1996. HOWEVER, PRIOR TO OBTAINING THAT PERMIT MR.
10 PORRAS HAD COMMITTED VARIOUS VIOLATIONS OF THE PUBLIC
11 RESOURCE CODE SECTIONS REGARDING THE STORAGE OF WASTE TIRES.
12 AND, AFTER RECEIVING THE PERMIT THE SAME VIOLATIONS HAVE
13 BEEN OCCURRING, WHICH ARE STORING MORE THAN 5,000 TIRES,
14 WHICH IS PROHIBITED AT A MINOR WASTE TIRE FACILITY.

15 REVOCATION OF A WASTE TIRE FACILITY PERMIT IS
16 GOVERNED BY PUBLIC RESOURCES CODE SECTION 42842, WHICH
17 PROVIDES THE BASIS AND THE PROCEDURE. THE PROCEDURE IS A
18 PUBLIC HEARING SUCH AS THIS ONE GOVERNED UNDER THE AB 59
19 PROCEDURES, WHICH ARE FOUND AT 44300 OF THE PUBLIC RESOURCES
20 CODE.

21 AT THIS TIME WE'LL PROBABLY GO FORWARD, AND I
22 WILL AUTHENTICATE VARIOUS EXHIBITS, AS I AM THE ONE
23 KNOWLEDGEABLE ABOUT THEM, AND THEN I WILL HAVE MR. CAMBRIDGE
24 AUTHENTICATE EXHIBITS WHICH HE IS KNOWLEDGEABLE ABOUT.

1 THESE EXHIBITS ARE ALL ATTACHED TO THE AGENDA ITEM AND WILL
2 BE PART OF THE OFFICIAL RECORD.

3 THE FIRST EXHIBIT IS THE HEARING PROCEDURE,
4 WHICH WE WILL NOT NEED TO AUTHENTICATE, AS IT IS NOT AN
5 EVIDENTIARY DOCUMENT.

6 EXHIBIT 2 IS THE ADMINISTRATIVE COMPLAINT
7 WHICH WAS FILED WITH THE OFFICE OF ADMINISTRATIVE HEARINGS.

8 I DRAFTED THIS COMPLAINT AND DID FILE IT WITH THE OFFICE OF
9 ADMINISTRATIVE HEARINGS, AND THIS IS A TRUE AND CORRECT COPY
10 OF THAT COMPLAINT.

11 EXHIBIT 3 IS A TRUE AND CORRECT COPY OF THE
12 DECISION THAT WAS FORWARDED TO OUR OFFICES BY THE OFFICE OF
13 ADMINISTRATIVE HEARINGS, WHICH SETS FORTH THE PENALTY AMOUNT
14 THAT WAS ISSUED WITH REGARD TO ECONOMY TIRES.

15 EXHIBIT 5 IS THE SECOND ADMINISTRATIVE
16 COMPLAINT WHICH I PREPARED AND FILED WITH THE OFFICE OF
17 ADMINISTRATIVE HEARINGS, WITH REGARD TO ECONOMY TIRES. THIS
18 IS A TRUE AND CORRECT COPY OF THE COMPLAINT WHICH WE DID
19 FILE WITH THAT OFFICE.

20 EXHIBIT 6 IS THE DECISION WHICH WAS FORWARDED
21 TO OUR OFFICES BY THE OFFICE OF ADMINISTRATIVE HEARINGS,
22 SETTING FORTH THE PARAMETERS OF THE DECISION AND THE ORDER
23 REGARDING ECONOMY TIRES.

24 MR. CAMBRIDGE, WITH REGARD TO EXHIBIT NO. 4,

1 CAN YOU IDENTIFY THAT DOCUMENT FOR ME?

2 MR. CAMBRIDGE: YES. ITEM NUMBER FOUR IS THE
3 MINOR WASTE TIRE FACILITY PERMIT ISSUED TO ECONOMY TIRE
4 SERVICE.

5 (WHEREUPON, AGENDA ITEM 9 AGENCY
6 EXHIBIT NOS. 1 THROUGH 6 WERE
7 IDENTIFIED FOR THE RECORD.)

8 MS. SMALL: FOR THE RECORD, IS THERE ANYONE WHO
9 OBJECTS TO THE AUTHENTICATION OF THOSE DOCUMENTS? AS THERE
10 HAS BEEN NO OBJECTION, WE WILL GO FORWARD.

11 AT THIS POINT WE WILL BE PRESENTING EVIDENCE
12 THROUGH THE TESTIMONY OF MR. CAMBRIDGE, HE WILL BE DOING IT
13 IN THE FORM OF A SOLILOQUY SUPPORTED BY SLIDES THAT WILL BE
14 AVAILABLE FOR YOUR VIEWING ON THE OVERHEADS. THE TESTIMONY
15 HE WILL BE GIVING WILL BE SHOWING A RECURRING PATTERN OF
16 VIOLATION OF THE STORAGE REQUIREMENTS AT A MINOR WASTE TIRE
17 FACILITY.

18 MR. CAMBRIDGE?

19 MEMBER JONES: MS. SMALL, JUST --

20 CHAIRMAN EATON: MR. JONES?

21 MEMBER JONES: -- WHAT PAGE WERE YOU ON? AS YOU
22 WERE LISTING EXHIBITS, SOME ARE NUMBERED, SOME ARE LETTERED.
23 SO I WANT TO MAKE SURE I -- I KNOW WHAT A FACILITY PERMIT
24 LOOKS LIKE, BUT I'D LIKE TO HAVE IT -- THE RIGHT NUMBER

1 DOWN.

2 MS. SMALL: THE COPY I HAVE SAYS EXHIBIT 4 IN THE
3 UPPER RIGHT-HAND CORNER.

4 MEMBER JONES: OKAY.

5 CHAIRMAN EATON: MINE SAYS 9-72.

6 MS. SMALL: WHAT MAY BE HAPPENING IS --

7 CHAIRMAN EATON: BUT I DON'T THINK WE HAVE THE
8 EXHIBIT --

9 MEMBER PENNINGTON: MINE SAYS Q-62 --

10 MS. SMALL: WHAT MAY BE HAPPENING IS THE
11 COMPLAINTS HAVE MULTIPLE LETTERED EXHIBITS.

12 CHAIRMAN EATON: OKAY, NO PROBLEM.

13 MS. SMALL: GO AHEAD, MR. CAMBRIDGE.

14 WHEREUPON,

15 KEITH E. CAMBRIDGE,

16 HAVING BEEN PREVIOUSLY DULY SWORN, DID TESTIFY AS FOLLOWS:

17 MS. SMALL: COULD YOU PLEASE STATE YOUR NAME FOR
18 THE RECORD?

19 MR. CAMBRIDGE: KEITH E. CAMBRIDGE.

20 MS. SMALL: AND ARE YOU CURRENTLY EMPLOYED WITH
21 THE INTEGRATED WASTE MANAGEMENT BOARD?

22 MR. CAMBRIDGE: YES, I AM.

23 MS. SMALL: AND HOW LONG HAVE YOU BEEN SO
24 EMPLOYED?

1 MR. CAMBRIDGE: SINCE NOVEMBER 1992.

2 MS. SMALL: AND WHAT ARE YOUR CURRENT DUTIES WITH
3 THE INTEGRATED WASTE MANAGEMENT BOARD?

4 MR. CAMBRIDGE: TO CONDUCT AND INVESTIGATE
5 INSPECTIONS OF WASTE TIRE FACILITIES AND WASTE TIRE HAULERS.

6 MS. SMALL: AND WITHIN THOSE DUTIES HAVE YOU
7 BECOME FAMILIAR WITH THE ESTABLISHMENT OF ECONOMY TIRES
8 SERVICE ON CROWS LANDING ROAD IN MODESTO, CALIFORNIA?

9 MR. CAMBRIDGE: YES, I HAVE.

10 MS. SMALL: AND COULD YOU PLEASE OFFER YOUR
11 TESTIMONY IN THE FORM OF SOLILOQUY REGARDING THAT SITE?

12 MR. CAMBRIDGE: YES.

13 MR. CHAIRMAN AND MEMBERS OF THE BOARD.

14 IF I CAN HAVE THE FIRST SLIDE, PLEASE? ON
15 DECEMBER 29TH, 1994, I CONDUCTED A WASTE TIRE FACILITY
16 INSPECTION OF ECONOMY TIRES SERVICE, WHICH IS LOCATED AT
17 1024 CROWS LANDING ROAD IN MODESTO, CALIFORNIA. MR. SIXTO
18 PORRAS OPERATED THIS BUSINESS. AT THE TIME OF THE
19 INSPECTION I OBSERVED MORE THAN 8,000 WASTE TIRES AT THE
20 SITE AND DOCUMENTED VIOLATIONS OF TITLE 14 SECTION 17351,
21 WHICH IS FIRE PREVENTION MEASURES; 17353, WHICH ARE VECTOR
22 CONTROL MEASURES; AND 17354, WHICH IS WASTE TIRE STORAGE
23 STANDARDS.

24 ON JANUARY 5TH, 1995, I THEN SENT A LETTER OF

1 VIOLATION TO MR. PORRAS BY U.S. MAIL REQUESTING THAT A
2 CORRECTIVE ACTION PLAN BE SUBMITTED TO THE BOARD BY MARCH
3 10TH, 1995. THIS LETTER STATED THAT MR. PORRAS WAS STORING
4 IN EXCESS OF 8,000 TIRES ON SITE, AND THAT THE ABOVE
5 VIOLATIONS WERE NOTED. NO PLAN WAS RECEIVED.

6 ON MARCH 15TH, 1995, I SENT A WARNING LETTER TO
7 MR. PORRAS BY U.S. MAIL REQUESTING THAT A PLAN BE SUBMITTED
8 TO THE BOARD BY APRIL 7TH, 1995. AN APPLICATION WAS
9 RECEIVED AT THE BOARD.

10 CAN I HAVE THE NEXT SLIDE, PLEASE. ON MAY 5TH,
11 1995, A LETTER FROM THE BOARD PERMITS BRANCH WAS ADDRESSED
12 AND POSTED TO MR. PORRAS ADVISING MR. PORRAS OF DEFICIENCIES
13 IN HIS MINOR WASTE TIRE FACILITY PERMIT APPLICATION AND
14 REQUESTED ADDITIONAL INFORMATION.

15 ON JUNE 22ND, 1995, NOTICE AND ORDER NUMBER 95-22
16 WAS ISSUED BY THE BOARD TO MR. PORRAS REQUESTING THAT ALL
17 WASTE TIRES BE REMOVED FROM THE SITE BY AUGUST 31ST, 1995,
18 OR TO OBTAIN A MINOR WASTE TIRE FACILITY PERMIT.

19 SLIDE PLEASE? ON JULY 25TH, 1995, A LETTER FROM
20 MR. PORRAS WAS RECEIVED AT THE BOARD REQUESTING THAT A TIME
21 EXTENSION BE GRANTED AS HE WAS ATTEMPTING TO OBTAIN THIS
22 MINOR WASTE TIRE FACILITY PERMIT.

23 ON SEPTEMBER 26, 1995, I THEN WENT A WARNING
24 LETTER TO MR. PORRAS BY U.S. MAIL ADVISING MR. PORRAS THAT

1 HE HAD UNTIL OCTOBER 13TH, 1995, TO SUBMIT ALL THE REQUIRED
2 PAPERWORK FROM THE LOCAL VECTOR CONTROL AND FIRE CONTROL
3 AUTHORITIES, AND TO SUBMIT A COMPLETE PERMIT APPLICATION TO
4 THE BOARD.

5 NEXT SLIDE PLEASE. ON NOVEMBER 1ST, 1995, I THEN
6 CONDUCTED A SITE VISIT OF ECONOMY TIRES AND DOCUMENTED THE
7 CONTINUING VIOLATIONS OF THE FIRE PREVENTION MEASURES AND
8 WASTE TIRE STORAGE STANDARDS.

9 ON MARCH 8TH, 1996, AN ADMINISTRATIVE HEARING WAS
10 HELD IN SACRAMENTO WITH THE HONORABLE JAIME RENE RAMON
11 CONCERNING THIS OPERATOR. IN THE ADMINISTRATIVE COMPLAINT
12 95-22A, IT WAS ALLEGED THAT THE OPERATOR FAILED TO OBTAIN A
13 MINOR WASTE TIRE FACILITY PERMIT AND ABIDE BY THE APPLICABLE
14 STATUTE AND REGULATIONS CONCERNING THE STORAGE OF THESE
15 TIRES.

16 THE NEXT SLIDE? ON MARCH 14TH, 1996, JUDGE RAMON
17 MADE A DECISION ON THE MATTER. A STIPULATION BETWEEN THE
18 OPERATOR AND THE BOARD STATED THE PENALTY OF \$2500 WOULD BE
19 ASSESSED TO MR. PORRAS UNLESS MR. PORRAS CAME INTO
20 COMPLIANCE WITH THE PERMITTING REQUIREMENTS AND SUBMITTED A
21 COMPLETE APPLICATION FOR PERMIT BY MAY 10TH, 1996. IF THIS
22 TASK WAS ACCOMPLISHED THE PENALTY WOULD BE \$500. MR. PORRAS
23 COMPLIED WITH THIS AGREEMENT AND PAID THE \$500.

24 ON AUGUST 12TH, 1996, A MINOR WASTE TIRE FACILITY

1 PERMIT WAS ISSUED TO -- BY THE BOARD TO MR. PORRAS WHICH
2 REQUIRED THAT THE OPERATOR STORE NOT MORE THAN 4,999 TIRES
3 ON SITE.

4 NEXT SLIDE. ON SEPTEMBER 12TH, 1996, I THEN AGAIN
5 CONDUCTED ANOTHER SITE VISIT AT THIS LOCATION AND OBSERVED
6 THAT MR. PORRAS WAS STORING IN EXCESS OF 7,000 WASTE TIRES
7 ON SITE.

8 ON SEPTEMBER 18TH, 1996, I THEN SENT A LETTER
9 ADDRESSED, AND POSTED BY U.S. MAIL -- I'M SORRY -- BY
10 DOROTHY RICE, DEPUTY DIRECTOR OF THE PERMITTING AND
11 ENFORCEMENT DIVISION -- TO MR. PORRAS REQUIRING MR. PORRAS
12 TO REDUCE HIS TIRE PILE SIZE DOWN TO LESS THAN 5,000 TIRES,
13 OR RISK THE POSSIBLE SUSPENSION OF THAT MINOR PERMIT.

14 NEXT SLIDE. ON MAY 28TH, 1997, I THEN CONDUCTED
15 ANOTHER SITE VISIT OF THIS LOCATION AND OBSERVED THAT THIS
16 FACILITY WAS NOW STORING APPROXIMATELY 15,000 WASTE TIRES ON
17 SITE.

18 ON AUGUST 11TH, 1997, A SECOND ADMINISTRATIVE
19 HEARING WAS HELD IN SACRAMENTO WITH THE JUDGE RAMON
20 CONCERNING THIS OPERATOR AND THE FAILURE TO ABIDE BY THE
21 MINOR WASTE TIRE FACILITY TERMS AND CONDITIONS. IN THE
22 ADMINISTRATIVE COMPLAINT 97-22A IT WAS ALLEGED MR. PORRAS
23 WAS IN VIOLATION OF PUBLIC RESOURCES CODE 42823, WHICH
24 STATES THAT NO PERSON SHALL ESTABLISH A NEW MAJOR WASTE TIRE

1 FACILITY PERMIT OR EXPAND AN EXISTING MINOR WASTE TIRE
2 FACILITY PERMIT UNLESS THE PERSON HAS OBTAINED A MAJOR WASTE
3 TIRE FACILITY PERMIT ISSUED BY THE BOARD PURSUANT TO THAT
4 SECTION.

5 PRIOR TO THIS HEARING DATE MR. PORRAS REMOVED
6 APPROXIMATELY 9,000 WASTE TIRES FROM HIS SITE SO TO BE IN
7 COMPLIANCE WITH THIS PERMIT.

8 NEXT SLIDE. ON SEPTEMBER 19TH, 1997, JUDGE RAMON
9 MADE A DECISION ON THE MATTER. AGAIN, A MOTION WAS GRANTED
10 ON BEHALF OF THE BOARD FOR A PENALTY OF \$300, AS THE
11 OPERATOR HAD ALREADY REMOVED THE WASTE TIRES FROM THE SITE.

12 ON NOVEMBER 12TH, 1998, FRED MANDING OF THE
13 STANISLAUS CONSOLIDATED FIRE DISTRICT AND MYSELF CONDUCTED
14 ANOTHER SITE VISIT OF ECONOMY TIRES SERVICE, AND DOCUMENTED
15 ONCE MORE THE OPERATOR WAS STORING MORE THAN THE PERMITTED
16 AMOUNT OF WASTE TIRES. AT THAT TIME I ESTIMATED
17 APPROXIMATELY 14,700 TIRES BEING STORED ON THE PERMITTED
18 SITE. AND THE OPERATOR WAS IN VIOLATION OF THE SECTION
19 17354 WASTE TIRE STORAGE STANDARDS.

20 ON APRIL 23RD, 1999, I CONDUCTED ANOTHER SITE
21 VISIT OF THIS LOCATION AND DETERMINED THE OPERATOR HAD
22 REMOVED SEVERAL THOUSAND TIRES, BUT APPROXIMATELY 6,000 TO
23 7,000 TIRES STILL REMAINED ON SITE.

24 TODAY MR. PORRAS PROVIDED ME WITH DOCUMENTATION

1 THAT HE HAS REMOVED, SINCE THE NOVEMBER 12TH, 1998, VISIT
2 APPROXIMATELY 13,000 TIRES.

3 I'D LIKE TO TAKE A FEW MOMENTS NOW TO SHOW
4 PICTURES OF WHAT WAS TAKEN ON NOVEMBER 12TH, 1998.

5 NEXT SLIDE. THIS IS THE FRONT SHOT OF THE ECONOMY
6 TIRE.

7 NEXT SLIDE. THIS IS THE ENTRANCE TO ECONOMY --
8 ONE OF THE ENTRANCES TO ECONOMY TIRE, SHOWS A LOT OF TIRES
9 CLUTTERING AROUND THE ENTRANCE WAY, VERY HARD TO GAIN ACCESS
10 INTO THE SITE. WEEDS, THE TIRES ARE STORED HAPHAZARDLY.

11 NEXT SLIDE? ANOTHER SHOT.

12 NEXT SLIDE? THIS IS A PILE OF TIRES STORED IN THE
13 VERY REAR OF THE PROPERTY. THIS IS THE MAJORITY OF THE
14 TIRES, APPROXIMATELY 14,000 TIRES. SHOWED NO VECTOR CONTROL
15 MEASURES BEING IN PLACE, AND NO WEED CONTROL.

16 NEXT SLIDE. ANOTHER SHOT OF THE TIRES.

17 NEXT SHOT, OR NEXT SLIDE? AGAIN, SHOWS WEEDS
18 GROWING IN AND AROUND THE TIRES, NO VECTOR CONTROL MEASURES,
19 TIRES BEING STORED IN CLOSE PROXIMITY TO OTHER BUSINESSES.

20 THE NEXT SLIDE? THIS IS THE ONLY ACCESS INTO THE
21 SITE, WHICH IS ABOUT A THREE-FOOT PERIMETER -- OR, A THREE-
22 FOOT WALKWAY THAT THE FIRE DEPARTMENT WAS WALKING THROUGH AT
23 THE TIME. THERE'S NO ACCESS INTO IT WITH VEHICLES.

24 NEXT SLIDE? ANOTHER SHOT OF THAT.

1 NEXT SLIDE? AGAIN, ANOTHER SHOT OF THE TIRE PILE.
2 AND LASTLY -- I BELIEVE IT'S THE LAST SLIDE --
3 THIS IS A SHOT SHOWING THE TIRES BEING STORED ADJACENT TO
4 THE PERIMETER FENCE, WHICH IS AN ALLEYWAY BEHIND, WHICH IS
5 SUPPOSED TO BE 10 FEET FROM THE PERIMETER SITE.

6 ALL THESE PICTURES TAKEN WERE TAKEN ON NOVEMBER
7 12TH, 1995, BY MYSELF.

8 THAT CONCLUDES MY PRESENTATION.

9 CHAIRMAN EATON: DID YOU SAY 1995?

10 MR. CAMBRIDGE: I'M SORRY, 1998, I STAND
11 CORRECTED.

12 MS. SMALL: JUST TO SUM UP MR. CAMBRIDGE'S
13 TESTIMONY, AS I BELIEVE HE HAS SHOWN THROUGH HIS TESTIMONY
14 AND THROUGH THE DOCUMENTARY EVIDENCE THAT HAS BEEN PRESENTED
15 TO YOU ATTACHED TO THE AGENDA ITEM, MR. PORRAS HAS FOUND
16 HIMSELF IN VIOLATION OF THE PUBLIC RESOURCES CODE ON SEVERAL
17 OCCASIONS.

18 UNDER PUBLIC RESOURCES CODE SECTION 42842,
19 THE BOARD MAY DENY, SUSPEND, OR REVOKE A WASTE TIRE FACILITY
20 PERMIT IF THEY FIND THAT THERE HAVE BEEN THE FOLLOWING ACTS
21 COMMITTED: COMMISSION OF ANY VIOLATION OR FAILURE TO COMPLY
22 WITH ANY REQUIREMENT OF THE WASTE TIRE HAULER STATUTORY
23 SCHEME; ABATING, AIDING OR PERMITTING ANY VIOLATION OF THIS
24 CHAPTER. ABATING, PERMITTING OR AIDING A FAILURE TO COMPLY

1 WITH THIS CHAPTER.

2 IF THE FAILURE OF THE COMPLIANCE SHOWS A REPEATING
3 OR RECURRING PATTERN OR MAY POSE A THREAT TO PUBLIC SAFETY
4 OR THE ENVIRONMENT, IF THE PARTY HAS COMMITTED ANY VIOLATION
5 OF, OR FAILED TO COMPLY WITH ANY ORDER ISSUED BY THE BOARD
6 RELATING TO THE SAFE STORAGE OR PROCESSING OF WASTE TIRES,
7 OR IF THE PERSON HAS COMMITTED ANY MISREPRESENTATION OR
8 OMISSION OF A SIGNIFICANT FACT, OR OTHER REQUIRED
9 INFORMATION IN THE APPLICATION FOR A WASTE TIRE FACILITY
10 PERMIT.

11 I BELIEVE THE EVIDENCE DOES SHOW THAT ECONOMY
12 TIRE HAS SHOWN A REPEATED FAILURE TO COMPLY WITH THE TERMS
13 OF THEIR PERMIT, AND THE REGULATIONS AND STATUTES SET FORTH
14 UNDER THE TIRE FACILITY PERMITTING SCHEME.

15 UNDER PUBLIC RESOURCES CODE SECTION 42843,
16 THIS PROCEDURE IS ALLOWED TO BE DONE BY THE BOARD ITSELF,
17 AND THERE IS NO E.A. INVOLVED. THEREFORE, ANY APPEAL FROM
18 THIS MATTER WOULD GO STRAIGHT TO THE SUPERIOR COURT.

19 AT THIS TIME WE WOULD LIKE TO ALLOW MR.
20 PORRAS TO MAKE ANY STATEMENT THAT HE WOULD LIKE TO MAKE,
21 UNLESS THE BOARD HAS ANY QUESTIONS OF THE STAFF.

22 CHAIRMAN EATON: ARE THERE ANY QUESTIONS OF STAFF
23 AT THIS TIME? NONE?

24 IS THERE ANYONE HERE ON BEHALF OF ECONOMY

1 TIRE? WELCOME.

2 WHEREUPON,

3 SIXTO PORRAS,

4 HAVING BEEN PREVIOUSLY DULY SWORN, DID TESTIFY AS FOLLOWS:

5 MR. PORRAS: SIXTO PORRAS, ECONOMY TIRE.

6 I ALREADY REMOVED ALL THE TIRES THAT ARE
7 DISPOSABLE TIRES, I JUST STILL HAVE MY USED TIRES THERE.

8 AND I HAVE SOME PICTURES HERE.

9 MS. SMALL: FOR THE RECORD, MR. PORRAS' TWO
10 PHOTOGRAPHS HAVE BEEN MARKED AS DEFENDANT'S EXHIBIT A AND
11 EXHIBIT B. I WILL NOW PASS THEM TO THE BOARD MEMBERS.

12 (WHEREUPON, AGENDA ITEM 9

13 DEFENDANT EXHIBITS A AND B WERE

14 MARKED FOR IDENTIFICATION.)

15 MR. PORRAS: I ALSO HAVE A LIST OF ALL THE -- THAT
16 THE TIRES HAVE BEEN REMOVED LEGALLY AND EVERY -- AND WITH A
17 LICENSED HAULER.

18 MEMBER PENNINGTON: MR. CHAIRMAN?

19 CHAIRMAN EATON: YES.

20 MEMBER PENNINGTON: CAN I ASK MR. PORRAS --

21 CHAIRMAN EATON: PLEASE.

22 MEMBER PENNINGTON: WHERE WERE THOSE TIRES TAKEN?

23 MR. PORRAS: SCRAP TIRE CO-OP IN TURLOCK,
24 CALIFORNIA.

1 CHAIRMAN EATON: THANK YOU.

2 MR. PORRAS?

3 MR. PORRAS: YEAH. AND I WAS THE BUSINESS OWNER
4 OF THE ECONOMY TIRE, BUT I -- NOW I AM THE PROPERTY OWNER,
5 SO I'M -- YOU KNOW, I'M PLANNING ON KEEPING IT CLEAN NOW AND
6 EXPANDING ON IT.

7 I'M NOT A -- I DON'T TAKE USED TIRES, WHAT I DO IS
8 I SELL THEM, AND THEY JUST -- I'M NOT LIKE OXFORD TIRE OR --
9 YOU KNOW, I DON'T -- I DON'T RECEIVE TONS OF TIRES IN AND
10 JUST KEEP THEM STORED THERE. I HAVE A PLACE I TAKE THEM IN
11 NOW, AND I HAVE A TRAILER REGULARLY THERE AND -- AND I....

12 MS. SMALL: ON MR. PORRAS' BEHALF, EXHIBIT C AND D
13 HAVE BEEN MARKED. AND "C" -- YOU'LL HAVE TO EXPLAIN WHAT
14 "C" IS, "D" I CAN TELL YOU ARE WASTE TIRE MANIFESTS
15 INDICATING TIRES ARE PICKED UP AT HIS PLACE OF BUSINESS.

16 (WHEREUPON, AGENDA ITEM 9
17 DEFENDANT EXHIBITS C AND D WERE
18 MARKED FOR IDENTIFICATION.)

19 MR. PORRAS: AND THE READ-OUT, THE COMPUTER READ-
20 OUT....

21 MS. SMALL: AND THEY HAVE BEEN HAULED BY -- IT
22 LOOKS LIKE --

23 CHAIRMAN EATON: FIRST, IF WE CAN JUST BEGIN, IS
24 HOW MANY PAGES ARE THERE TO EXHIBIT -- IS THAT "C"?

1 MS. SMALL: EXHIBIT D HAS THREE PAGES.

2 CHAIRMAN EATON: THREE PAGES.

3 MS. SMALL: AND IT'S SHOWING TIRES BEING HAULED ON
4 JANUARY 23 --

5 CHAIRMAN EATON: AND IF YOU COULD JUST GIVE A
6 DESCRIPTION OF -- THE TITLE OF THE DOCUMENT, JUST FOR
7 DOCUMENTATION --

8 MS. SMALL: THEY ARE WASTE TIRE HAULER MANIFESTS.

9 CHAIRMAN EATON: OKAY.

10 MS. SMALL: AND THEY ARE NUMBERED 487, 335, AND
11 203, AND THEY ARE DATED 1/21/99, 3/9/99, AND 1/23/99.

12 MEMBER JONES: IS THE WHITE ONE A SUMMARY OF WHERE
13 ALL THE TIRES WENT?

14 MR. PORRAS: YEAH, THE WHITE --

15 CHAIRMAN EATON: THAT WOULD BE EXHIBIT C, IS MY
16 UNDERSTANDING.

17 MR. PORRAS: EXHIBIT C?

18 CHAIRMAN EATON: "C."

19 MR. PORRAS: THAT'S THE -- A READOUT OF WHEN THEY
20 PICKED THEM UP, AND WHERE THEY WERE DELIVERED, AND BY WHO.

21 MS. SMALL: FOR THE RECORD, MR. PORRAS, CAN YOU
22 TELL US WHO THE WASTE HAULER WAS THAT YOU UTILIZED TO REMOVE
23 THE TIRES FROM YOUR SITE?

24 MR. PORRAS: SCRAP TIRE CO-OP.

1 MS. SMALL: THAT WAS THE HAULER?

2 MR. PORRAS: YEAH, THEY HAULED THEM TO THEIR
3 FACILITY.

4 MEMBER PENNINGTON: AND THEY ARE LICENSED?

5 MR. PORRAS: YEAH, THEY'RE LICENSED.

6 MEMBER PENNINGTON: YOU KNOW THAT?

7 MS. SMALL: IS THE PARTY THAT YOU DEALT WITH GODEN
8 BYPRODUCTS?

9 MR. PORRAS: YEAH, I THINK -- YEAH. BUT -- YEAH,
10 I --

11 MS. SMALL: GODEN BYPRODUCTS IS A REGISTERED
12 HAULER AND THEY OPERATE THE SCRAP TIRE CO-OP.

13 MEMBER PENNINGTON: OH, SO THAT -- AND THAT'S
14 PERMITTED?

15 MS. SMALL: YES.

16 MEMBER PENNINGTON: OKAY.

17 MR. CAMBRIDGE: YES, IT IS ALSO A MAJOR WASTE TIRE
18 FACILITY PERMIT.

19 CHAIRMAN EATON: YOU CAN PROCEED.

20 MR. PORRAS: YEAH. THE ONLY THING IS, IS THAT I
21 DON'T -- THAT I DON'T PLAN FOR THE TIRES TO GET LIKE THAT
22 AGAIN, BECAUSE I -- I AM -- I'M GOING TO BE EXPANDING THE
23 BUSINESS NOW THAT IT'S MINE.

24 AND THAT'S ABOUT ALL I HAVE TO SAY.

1 MEMBER PENNINGTON: WHY HAVEN'T YOU APPLIED FOR A
2 MAJOR PERMIT?

3 MR. PORRAS: BECAUSE I DON'T REALLY -- I THINK
4 IT'S REAL DIFFICULT TO GET A MAJOR PERMIT, AND I DON'T -- I
5 DON'T -- I'M NOT GOING TO -- I DON'T NEED MORE THAN 5,000
6 TIRES THERE, I ONLY NEED LIKE THREE OR FOUR.

7 MR. CAMBRIDGE: MR. PENNINGTON, IF I CAN ALSO ADD?
8 I SPOKE WITH THE STANISLAUS CONSOLIDATED FIRE DISTRICT THIS
9 DATE, AND THEY STATED THAT THEY WOULD NOT APPROVE A SITE
10 CONTAINING MORE THAN 5,000 WASTE TIRES DUE TO THE PROXIMITY
11 OF LOCAL RESIDENCES AND BUSINESSES THERE.

12 MEMBER JONES: MR. CHAIRMAN, I HAVE A COUPLE OF
13 QUESTIONS.

14 CHAIRMAN EATON: MR. JONES.

15 MEMBER JONES: MR. PORRAS, YOU OWNED -- OKAY, NOW
16 I UNDERSTAND YOU OWN THE PROPERTY.

17 MR. PORRAS: YEAH --

18 MEMBER JONES: BUT YOU OWNED ECONOMY TIRE.

19 MR. PORRAS: THE BUSINESS, YEAH.

20 MEMBER JONES: THE BUSINESS.

21 MR. PORRAS: YEAH.

22 MEMBER JONES: TELL US HOW YOU OPERATE YOUR
23 BUSINESS. I MEAN, IF YOU DON'T TAKE IN WASTE TIRES --

24 MR. PORRAS: OH, OKAY.

1 MEMBER JONES: -- TELL US HOW YOUR BUSINESS WORKS
2 A LITTLE BIT SO WE UNDERSTAND.

3 MR. PORRAS: I DO TAKE IN WASTE TIRES, BUT THEY'RE
4 CONSIDERED -- I CONSIDER THEM USED TIRES, BUT THEY'RE
5 CLASSIFIED, ALL OF THEM, AS WASTE TIRES. BUT WHAT I DO IS I
6 RESELL USED TIRES, THAT'S ABOUT 80 PERCENT OF MY JOB, AND I
7 DO LABOR. AND THE OTHER'S ABOUT -- NEW TIRES, ABOUT --
8 THAT'S WHAT? -- THE OTHER 10 PERCENT.

9 BUT USUALLY I JUST -- IT'S A -- JUST LIKE A
10 TIRE -- IT'S A TIRE.

11 MEMBER JONES: RIGHT. SO, HOW DO YOU RECEIVE THE
12 USED TIRES? DO YOU RECEIVE THEM FROM OTHER TIRE STORES?

13 MR. PORRAS: YEAH, I RECEIVE THEM FROM -- I
14 RECEIVE THEM FROM ONE.

15 MEMBER JONES: FROM ONE TIRE STORE.

16 MR. PORRAS: FROM ONE TIRE STORE.

17 MEMBER JONES: SO THEY SELL TIRES, THEY GIVE YOU
18 THE USED ONES.

19 MR. PORRAS: YEAH.

20 MEMBER JONES: ALL RIGHT.

21 MR. PORRAS: AND THEN WHATEVER'S NO GOOD --

22 MEMBER JONES: DO THEY PAY YOU TO TAKE THOSE?

23 MR. PORRAS: NO.

24 MEMBER JONES: THEY DON'T PAY YOU TO TAKE THEM?

CALIFORNIA SHORTHAND REPORTING

1 MR. PORRAS: NO.

2 MEMBER JONES: GOOD DEAL.

3 SO YOU GO THROUGH THEM AND CLASSIFY WHICH ARE
4 SELLABLE AND WHICH AREN'T.

5 MR. PORRAS: YEAH, CORRECT.

6 MEMBER JONES: WHAT'S YOUR PARAMETER ON THAT?

7 OKAY, 2/32NDS RUBBER IS --

8 MR. PORRAS: RIGHT.

9 MEMBER JONES: -- A BAD TIRE.

10 MR. PORRAS: RIGHT.

11 MEMBER JONES: WHAT IS YOUR AVERAGE TIRE, SIX,
12 SEVEN --

13 MR. PORRAS: YEAH.

14 MEMBER JONES: -- FOUR?

15 MR. PORRAS: THE WHAT, THE --

16 MEMBER JONES: THIRTY-SECONDS OF RUBBER. I MEAN,
17 WHAT --

18 MR. PORRAS: YEAH, WE GO -- WE GO ABOUT IF IT'S 50
19 PERCENT RUBBER LEFT ON WE USUALLY SELL THEM.

20 MEMBER JONES: OKAY. ALL RIGHT. NEW TIRES GOT
21 WHAT?

22 MR. PORRAS: NEW TIRES -- WELL, THEY GOT A HUNDRED
23 PERCENT.

24 MEMBER JONES: NO, NO, IF THEY'VE GOT SO MANY --

CALIFORNIA SHORTHAND REPORTING

1 THEY DON'T HAVE -- THEY DON'T COME WITH 32/32NDS OF TREAD.

2 WHAT DO THEY COME WITH, LIKE 12, 14/32NDS --

3 MR. PORRAS: YEAH, YEAH. YEAH, THEY GOT --

4 MEMBER JONES: SO IF A TIRE'S GOT ABOUT SIX, THEN
5 THAT'S A RESALABLE TIRE.

6 MR. PORRAS: YEAH.

7 MEMBER JONES: OKAY. AND THEN THE TIRES THAT
8 AREN'T RESALABLE --

9 MR. PORRAS: I GET THEM HAULED OFF.

10 MEMBER JONES: ALL RIGHT. AND DO YOU PAY SOMEBODY
11 TO DO THAT?

12 MR. PORRAS: YEAH.

13 MEMBER JONES: THE -- WHAT WE SAW AS FAR AS THE
14 PICTURES OF THIS WAS PRETTY HAPHAZARD.

15 MR. PORRAS: YEAH.

16 MEMBER JONES: THAT CREATES A PROBLEM BOTH FROM A
17 FIRE STANDPOINT....

18 AND HOW DO YOU CULL THESE TIRES IF THEY'RE
19 SITTING IN STACKS LIKE THAT?

20 MR. PORRAS: I DON'T HAVE THEM LIKE THAT ANYMORE.
21 I HAVE THEM IN ROWS AND IN RACKS.

22 MEMBER JONES: SO YOU'VE DEVELOPED A SYSTEM.

23 MR. PORRAS: YEAH.

24 MEMBER JONES: OKAY.

CALIFORNIA SHORTHAND REPORTING

1 MR. PORRAS: I'M PLANNING TO PUT MORE RACKS ALSO,
2 BECAUSE THAT KEEPS THE WATER OUT OF THEM, AND IT KEEPS THE
3 MOSQUITO POPULATION DOWN.

4 MEMBER JONES: YOU PLAN TO PUT IN MORE RACKS --

5 MR. PORRAS: MORE RACKS --

6 MEMBER JONES: -- IF WE DON'T TAKE AWAY YOUR
7 PERMIT.

8 MR. PORRAS: CORRECT.

9 MEMBER JONES: OKAY.

10 MS. SMALL: DO YOU HAVE THAT LAST EXHIBIT, EXHIBIT
11 D, THAT YOU WERE GOING TO DESCRIBE OR EXPLAIN -- OH, MR.
12 JONES HAS IT.

13 I AM NOW GOING TO GIVE YOU A COPY OF THAT
14 DOCUMENT MARKED AS EXHIBIT D THAT YOU GAVE TO MR. CAMBRIDGE
15 EARLIER SO YOU CAN DESCRIBE IT TO THE BOARD MEMBERS.

16 MR. PORRAS: OKAY. THIS IS JUST A COPY THAT THEY
17 SENT ME FROM THE SCRAP TIE CO-OP OF A -- I ASKED THEM FOR A
18 READOUT OF EVERY TIME THEY'VE SENT ME A TRAILER, AND THERE'S
19 A DATE THERE, LIKE STARTS AUGUST 18TH, SEPTEMBER 23RD. EACH
20 DATE THEY'VE REMOVED ONE TRAILER. AND THAT TRAILER IS
21 APPROXIMATELY A THOUSAND TIRES.

22 MEMBER JONES: THERE'S A LOT MORE TRAILERS HERE
23 THAN THERE ARE MANIFESTS.

24 MR. PORRAS: YEAH, I DIDN'T BRING ALL -- I DIDN'T

1 THINK I HAD TO BRING ALL THE MANIFESTS IN.

2 MEMBER JONES: YOU'VE GOT MANIFESTS FOR ALL OF
3 THEM?

4 MR. PORRAS: I'VE GOT THEM ALL, YEAH, AND I -- I
5 CAN GIVE YOU THE NUMBER TO SCRAP TIRE CO-OP, TOO, SO YOU CAN
6 CHECK WHETHER IT'S TRUE.

7 MEMBER JONES: MR. CHAIRMAN, ANOTHER QUESTION.

8 CHAIRMAN EATON: MR. JONES.

9 MEMBER JONES: ARE THESE 28-FOOT TRAILERS THAT
10 YOU'RE LOADING A THOUSAND TIRES IN, 750 TIRES, OR ARE THEY
11 BIG 45-FOOTERS --

12 MR. PORRAS: FORTY-FIVE-FOOTERS.

13 MEMBER JONES: THEY'RE 45-FOOTERS. THEY HOLD
14 ABOUT RIGHT, ABOUT 1200 TIRES.

15 MR. PORRAS: YEAH, ABOUT 1200 --

16 MEMBER JONES: ABOUT 1200 TIRES?

17 MR. PORRAS: -- DEPENDS ON THE SIZE.

18 YEAH.

19 MEMBER JONES: OKAY.

20 MR. PORRAS: AND THEY'RE ALL PASSENGER TIRES,
21 THEY'RE NOT BIG.

22 MS. TOBIAS: SUSANNE, I NOTE THAT A NUMBER OF
23 THESE -- THE INVOICES THAT HE'S GOT OUT HERE, THERE'S -- THE
24 MOST RECENT ONE, STARTING IN -- WHAT DAY DID WE FILE THIS?

1 THIS, THE CURRENT ACTION?

2 MS. SMALL: THE CURRENT ACTION?

3 MR. PORRAS: ON NOVEMBER 13TH.

4 MS. SMALL: NO, THE CURRENT ACTION WOULD HAVE BEEN
5 NOTICED WHEN THIS BOARD MEETING WOULD HAVE BEEN NOTICED, AND
6 THEN HE WOULD HAVE GOTTEN NOTICE OF THAT 20 DAYS PRIOR TO
7 THAT. SO, WE'RE TALKING MID FEBRUARY.

8 MS. TOBIAS: OKAY. BECAUSE I NOTICE THERE'S ONE
9 REMOVAL IN FEBRUARY, TWO IN MARCH, ABOUT TWO WEEKS APART,
10 AND THEN TWO IN APRIL. SO IS THAT SUFFICIENT TO GET ALL
11 THESE TIRES OFF THE SITE WITH THIS --

12 MS. SMALL: HE HAS MANIFESTS -- TWO OF THOSE
13 MANIFESTS ARE FOR JANUARY --

14 MS. TOBIAS: WELL, THAT'S WHAT I'M QUESTIONING, IS
15 THAT THE MANIFESTS ARE FOR JANUARY, AND THEN EITHER AN
16 EARLIER OR A LATER ONE --

17 MS. SMALL: AND ONE IN MARCH.

18 MS. TOBIAS: -- AND -- OKAY, BUT --

19 MS. SMALL: AND THOSE -- FOR THE -- I BELIEVE YOU
20 NOTED ABOUT SEVEN. IF YOU -- IF HE HAD SEVEN TRAILERS
21 PULLED OFF OF HIS PROPERTY HE -- THAT WOULD HAVE BEEN
22 APPROXIMATELY SEVEN TO 9,000 TIRES. AND I BELIEVE HE WAS
23 APPROXIMATELY 9,000 TIRES OVER HIS LIMIT.

24 MS. TOBIAS: OKAY. BECAUSE I NOTICE THERE'S FIVE

1 SINCE FEBRUARY. ONE IN FEBRUARY, TWO IN MARCH, TWO IN
2 APRIL. SO I'M JUST -- SINCE HIS MANIFESTS ARE SO OLD, YOU
3 KNOW, I'M NOT SURE WHY THE -- HE....

4 YOU KNOW, I THINK YOU SHOULD HAVE BROUGHT
5 YOUR MOST RECENT ONES. WELL, YOU SHOULD HAVE BROUGHT ALL OF
6 THEM.

7 BUT, THAT JUST SEEMED A LITTLE STRANGE THAT
8 THOSE ARE REALLY OLD ONES, AND THEN --

9 MR. PORRAS: ONE OF THEM WAS LAST ONE I GOT I
10 THINK. ISN'T IT DATED APRIL 19TH? THAT'S THE LAST ONE.

11 MS. SMALL: APRIL 9 I THINK.

12 MS. TOBIAS: NO.

13 MR. CAMBRIDGE: I MIGHT ADD, MR. PORRAS HAD
14 STARTED REMOVING THE TIRES WHEN I WAS OUT THERE ORIGINALLY
15 NOVEMBER 12TH. FROM THAT DATE FORWARD I BELIEVE THERE'S
16 APPROXIMATELY EITHER 12 OR 13 LOADS REMOVED.

17 MEMBER JONES: THERE'S THREE IN THE MONTH OF
18 NOVEMBER.

19 MR. PORRAS: CORRECT.

20 MR. CAMBRIDGE: AND I ADVISED MR. PORRAS ABOUT THE
21 FACT OF THE 5,000 LIMIT, SO HE STARTED COMMENCING THERE WITH
22 THE CLEANUP.

23 CHAIRMAN EATON: MR. PORRAS, ARE YOU AWARE OF THE
24 5,000 LIMIT?

1 MR. PORRAS: YES, I AM.

2 CHAIRMAN EATON: AND WERE YOU AWARE OF IT BACK IN
3 1995, WHEN YOU FIRST GOT SORT OF INTO A SITUATION --

4 MR. PORRAS: YEAH, THAT --

5 CHAIRMAN EATON: -- WITH THE BOARD?

6 MR. PORRAS: YEAH, THAT'S WHEN I FIRST STARTED
7 FINDING OUT ABOUT THE -- USUALLY I JUST USED TO DEAL WITH
8 THE FIRE DEPARTMENT.

9 CHAIRMAN EATON: RIGHT.

10 MR. PORRAS: AND THEY JUST TELL ME TO KEEP KEEPING
11 FIRE LANES. BUT SINCE THEN I DO KNOW, SINCE 1995, YEAH.

12 CHAIRMAN EATON: OKAY. SO WHY, THEN, WHEN WE HAD
13 A SECOND COMPLAINT, ARE WE BACK WHERE WE WERE BACK IN 1995?

14 MY UNDERSTANDING IS, IS THAT YOU ONCE AGAIN
15 VIOLATED THE 5,000 LIMIT, IF I'M NOT --

16 MR. PORRAS: YEAH, I --

17 CHAIRMAN EATON: SO THE QUESTION BECOMES, FOR ME,
18 IS I UNDERSTAND THE PREDICAMENT YOU'RE IN. BUT, IF YOU
19 DIDN'T KNOW THAT'S ONE THING, BUT WE'VE BEEN FOUR YEARS NOW,
20 AND EVERY TIME WE GO BACK OUT THERE THERE'S A PROBLEM. SO
21 THE QUESTION THEN BECOMES, HOW DO WE RESOLVE THAT PROBLEM SO
22 THAT EITHER YOU CAN CONTINUE YOUR BUSINESS, OR WE CAN DO
23 WHAT WE NEED TO DO HERE, WHICH IS OUR STATUTORY OBLIGATION.

24 WHAT MAKES YOU THINK THAT YOU'RE GOING TO BE

1 ABLE TO DO THAT? WHAT AREN'T -- GETTING THE INFORMATION?

2 MR. PORRAS: WELL --

3 CHAIRMAN EATON: DO YOU UNDERSTAND --

4 MR. PORRAS: YEAH, I UNDERSTAND --

5 CHAIRMAN EATON: -- THE REQUIREMENTS OF THE --

6 MR. PORRAS: YEAH.

7 CHAIRMAN EATON: AND YOU UNDERSTOOD THEM IN 1995.

8 SO WHAT HAPPENED AFTER THAT, THAT MADE YOU GO OVER THE
9 LIMIT?

10 MR. PORRAS: WELL, FIRST, I HAD TROUBLE WITH THE
11 TIRE HAULER, WHICH WAS OXFORD TIRE. THEY GOT A -- I THINK
12 THEY GOT SUSPENDED OR SOMETHING FOR -- I DON'T KNOW HOW LONG
13 OF A TIME, BUT IT WAS LIKE SIX MONTHS. SO THEY -- THAT'S
14 WHEN THEY ACCUMULATED THAT TIME.

15 AND THEN THIS TIME I WAS HAVING --

16 CHAIRMAN EATON: WERE YOU TAKING TIRES IN ALL
17 DURING THAT TIME?

18 MR. PORRAS: YEAH.

19 CHAIRMAN EATON: BUT YOU UNDERSTAND YOU ONLY HAD A
20 5,000 LIMIT. SEE, THAT'S THE PROBLEM, IS THAT --

21 MR. PORRAS: YEAH.

22 CHAIRMAN EATON: -- YOU'RE IN A SITUATION WHERE
23 YOU'VE GOT A LIMIT --

24 MR. PORRAS: RIGHT. AND I CAN'T TAKE ANY MORE IN

1 --

2 CHAIRMAN EATON: -- AND YOU COULDN'T TAKE ANY MORE
3 IN, YET YOU KEPT TAKING THEM IN.

4 MR. PORRAS: YEAH. WELL, I WAS --

5 CHAIRMAN EATON: SO, I MEAN, THAT BECOMES
6 TROUBLESOME I THINK --

7 MR. PORRAS: THE ONLY THING --

8 CHAIRMAN EATON: -- TO THE STAFF AND THE BOARD.

9 MR. PORRAS: YEAH. THE ONLY THING IS THAT ONCE I
10 GET -- GET THE TRAILERS GETTING OUT THEY -- THEY'RE OUT LIKE
11 IN THREE WEEKS.

12 MEMBER ROBERTI: WELL, OXFORD TIRES REPORTEDLY
13 BROUGHT THEM IN --

14 MR. PORRAS: TOOK THEM OUT.

15 MEMBER ROBERTI: I HAVE TO ASK THE QUESTION AGAIN.
16 OXFORD TIRE TOOK THEM OUT FOR YOU, THEN.

17 MR. PORRAS: YES.

18 MEMBER ROBERTI: WELL, 18,000 TIRES IS AN AWFUL
19 LOT OF TIRES TO BE IN VIOLATION. AND I KNOW YOU'RE A SMALL
20 BUSINESSMAN, AND I'M SYMPATHETIC, BUT THIS IS THE SECOND
21 TIME. AND 18,000 OVER THE 5,000 LIMIT -- IF IT WAS LIKE
22 6,000 INSTEAD OF 5,000 I MIGHT UNDERSTAND THERE WAS SOME
23 PROBLEM, MAYBE YOU COULD MAKE A CASE WITH OXFORD, WHO WAS
24 TRYING TO TAKE YOUR TIRES FROM THE SITE. BUT 18,000, UNLESS

1 -- UNLESS YOU CAN TELL US -- IT JUST SOUNDS LIKE YOU WERE
2 ACCUMULATING THEM FIGURING NOTHING WAS GOING TO HAPPEN
3 AGAIN.

4 MR. PORRAS: NO, I -- YEAH, I KNEW SOMETHING WOULD
5 HAPPEN.

6 NOT ALL THE TIRES ARE -- LIKE I SAID, I KEEP
7 AT LEAST THREE TO 4,000 THAT ARE USED TIRES THAT I SELL.

8 MS. SMALL: MR. ROBERTI, FOR THE RECORD, HE WASN'T
9 18,000 OVER, HE WAS APPROXIMATELY EIGHT TO 9,000 OVER.

10 MEMBER ROBERTI: HE WAS OVER --

11 MS. SMALL: WHICH MEANT HE HAD A TOTAL --

12 MEMBER ROBERTI: OVER 5,000.

13 MS. SMALL: RIGHT.

14 MEMBER ROBERTI: YEAH, WELL, THAT -- THAT'S TOTAL.
15 RIGHT?

16 SO THE -- YEAH, THE MAX -- THEN THE MAXIMUM
17 IS LIKE -- HE HAD 14 -- HE HAD LIKE 14,000 -- WELL, LIKE 14
18 TO 13,000 ON SITE. THAT'S STILL A -- THAT'S STILL A HEFTY
19 NUMBER. IT'S ALMOST DOUBLE THE NUMBER OF TIRES IN VIOLATION
20 THAT YOU HAVE ALLOWED....

21 MR. PORRAS: ALSO, LIKE I SAID, I JUST GOT THROUGH
22 PURCHASING THE PROPERTY. SO, YOU KNOW, I -- TO GET IT -- TO
23 GET MY BUSINESS GOING BETTER I CANNOT ALLOW TO HAVE THAT
24 MANY TIRES IN THERE ANYMORE.

1 MEMBER ROBERTI: DID YOU -- WHILE YOU'RE
2 ACCUMULATING -- YOU -- WHAT DO YOU DO WITH THE TIRES WHEN
3 YOU HAVE THEM ON SITE?

4 MR. PORRAS: WELL, WE HAVE --

5 MEMBER ROBERTI: -- ONE MORE TIME.

6 MR. PORRAS: WE LACE THEM, WE STORE THEM THERE.
7 THE ONES THAT ARE NO GOOD, THE ONES THAT ARE....

8 MEMBER ROBERTI: YEAH. WELL, JUST GO THROUGH IT
9 WITH ME. BECAUSE I'M TRYING TO FIGURE -- I'M TRYING TO
10 THINK IN MY MIND, IS THERE ANY JUSTIFICATION -- MAYBE THE
11 ECONOMIES OF YOUR BUSINESS -- THAT OXFORD TIRE WASN'T
12 PICKING THE TIRES UP, BUT YOU HAVE A FAST FLOW OF THE TIRES
13 AND THAT'S WHAT KEEPS YOUR BUSINESS GOING.

14 MR. PORRAS: YEAH --

15 MEMBER ROBERTI: I'M TRYING TO THINK OF SOMETHING
16 THAT --

17 MR. PORRAS: YEAH, AND THE --

18 MEMBER ROBERTI: -- JUSTIFIES REMOTELY YOUR --

19 MR. PORRAS: YEAH, IF I DON'T HAVE --

20 MEMBER ROBERTI: -- YOUR MAINTAINING ALL THESE
21 TIRES.

22 MR. PORRAS: IF I DON'T --

23 MEMBER ROBERTI: AND I'M HAVING A TOUGH TIME.

24 MR. PORRAS: IF I DON'T HAVE TIRES COMING IN I

1 DON'T -- I DON'T HAVE ANYTHING TO SELL. THAT'S THE ONLY
2 THING. AND IF --

3 MEMBER ROBERTI: HOW MANY TIRES DO YOU SELL IN THE
4 COURSE OF A MONTH?

5 MR. PORRAS: OH. MAYBE ABOUT 500, MAYBE MORE USED
6 TIRES.

7 MEMBER ROBERTI: SO YOU HAVE A TURNOVER OF TIRES.

8 MR. PORRAS: YEAH.

9 MEMBER ROBERTI: AND WHO DO YOU SELL THEM TO?

10 MR. PORRAS: TO THE PUBLIC, CONSUMERS.

11 MEMBER ROBERTI: FOR WHAT PURPOSE?

12 MR. PORRAS: THEY PUT THEM BACK ON THEIR VEHICLES.

13 MEMBER ROBERTI: NOW, WHAT WAS THE PROBLEM WITH
14 OXFORD NOT PICKING YOUR TIRES UP?

15 MR. PORRAS: I THINK THEY GOT A SUSPENSION, THAT'S
16 WHAT THEY TOLD ME, THAT THEY COULDN'T RECEIVE ANYMORE TIRES.

17 MEMBER ROBERTI: AND FOR HOW LONG DID THAT -- HOW
18 LONG DID THAT LAST?

19 MR. PORRAS: I THINK ABOUT SIX MONTHS THEY
20 COULDN'T RECEIVE THEM.

21 MEMBER ROBERTI: SO SIX MONTHS -- SIX MONTHS YOU
22 WERE STILL TAKING IN TIRES.

23 MR. PORRAS: YEAH, AND I WAS LOOKING FOR A PLACE
24 WHERE TO TAKE THEM.

CALIFORNIA SHORTHAND REPORTING

1 THIS NEW SCRAP TIRE CO-OP, THEY'RE PRETTY
2 GOOD. YOU KNOW, THEY'RE THE FIRST ONES I KNOW THAT THEY
3 TAKE THEM OUT AND -- WHEN YOU ORDER THE TRAILER THEY COME IN
4 WITHIN 48 HOURS AND THEY TAKE THEM OUT. AND I -- AND THEY
5 LET ME HAVE A TRAILER THERE ALL THE TIME, SO ALL THE --

6 MEMBER ROBERTI: WELL, WHAT WAS RUNNING THROUGH
7 YOUR MIND WHEN YOU WERE -- WHEN YOU SAY, HEY, OXFORD CAN'T
8 PICK UP TIRES UP ANYMORE --

9 MR. PORRAS: WELL, I WAS LOOKING FOR A PLACE WHERE
10 I COULD TAKE THEM THAT WAS LEGALLY....

11 MEMBER ROBERTI: OH. SO, WHY WERE YOU TAKING THEM
12 -- WHY WERE YOU CONTINUING TO TAKE IN THE TIRES?

13 MR. PORRAS: WELL, BECAUSE THAT'S ALL I HAVE TO
14 RUN MY BUSINESS --

15 MEMBER ROBERTI: YEAH. BUT IF YOU WEREN'T SELLING
16 --

17 MR. PORRAS: -- ON --

18 MEMBER ROBERTI: -- THEM WHAT DIFFERENCE DID IT
19 MAKE IF YOU WERE ACCUMULATING THEM?

20 MR. PORRAS: OH, YOU MEAN -- I DID SELL SOME OF
21 THEM. YEAH.

22 MEMBER ROBERTI: BUT YOU --

23 MR. PORRAS: WHAT THEY DO IS, THEY BRING ME A
24 WHOLE TRUCK, AND SOME ARE GOOD AND SOME ARE BAD.

1 MEMBER ROBERTI: UM-HUM. SO THAT -- SO, WOULD YOU
2 SAY THAT THE TIRES THAT YOU HAVE ACCUMULATED ARE ESSENTIALLY
3 BAD TIRES?

4 MR. PORRAS: SOME OF THEM ARE.

5 MEMBER ROBERTI: SOME OF THEM ARE.

6 MR. PORRAS: OH, THE ONES -- THE ONES I'VE
7 ACCUMULATED?

8 MEMBER ROBERTI: MAYBE STAFF CAN HELP ME. OF THE
9 13 TO 14,000 TIRES, WERE THESE SALEABLE TIRES OR BAD TIRES
10 THAT HE ACCUMULATED?

11 MR. CAMBRIDGE: I'M NOT SURE ABOUT THAT. AFTER
12 CULLING THROUGH, HE'LL KEEP THE GOOD ONES FOR SALE, THEN
13 DISPOSE OF THE BAD ONES. I'M NOT SURE OF THE PERCENTAGE, AS
14 FAR AS WHAT IS GOOD AND WHAT'S BAD.

15 MS. SMALL: WE CAN ESTIMATE FROM THE RECORDS THAT
16 HE'S PROVIDED SHOWING DISPOSAL AT THE SCRAP TIRE CO-OP. IF
17 THOSE HAD BEEN GOOD IT WOULD NOT BE TO HIS ADVANTAGE TO SEND
18 THEM TO THE CO-OP, BECAUSE HE HAS TO PAY THEM TO TAKE THEM.
19 IF THEY WERE GOOD HE WOULD HAVE BEEN ABLE TO SELL THEM.

20 SO, THAT WOULD SHOW THAT HE DISPOSED OF
21 APPROXIMATELY SOMEWHERE BETWEEN EIGHT AND 9,000 TIRES, AND
22 HE HAD 13 -- 12 TO 13 ON SITE, SO IT WOULD LOOK --

23 MEMBER ROBERTI: WELL, GIVING --

24 MS. SMALL: -- LIKE TWO-THIRDS WERE NO GOOD.

1 MEMBER ROBERTI: YES. OKAY.

2 WELL, GIVING MR. PORRAS THE BENEFIT OF EVERY
3 DOUBT HERE, WOULD HE -- WHAT HE MAYBE SAID IS THAT HE HAS TO
4 TAKE IN SO MANY TIRES, HE HAS NO CHOICE IN A HAUL THAT HE
5 TAKES IN OF BEING BOTH GOOD TIRES AND BAD TIRES. TO
6 MAINTAIN HIS BUSINESS HE ONLY SELLS THE GOOD TIRES.

7 SINCE OXFORD COULDN'T PICK UP THE BAD TIRES,
8 HE'S ACCUMULATING THE BAD TIRES. IT'S NOT HIS FAULT
9 OXFORD'S NOT PICKING UP THE BAD TIRES. BUT, HE'S NOT GOING
10 TO STAY IN BUSINESS IF HE CAN'T KEEP TAKING IN GOOD TIRES.

11 NOW, GIVING HIM THE BENEFIT OF EVERY DOUBT,
12 AND SAYING THAT HE IS NOT ACCUMULATING ANYTHING BUT BAD
13 TIRES, IT'S A CASE. BUT I DON'T KNOW IF THAT'S BORNE OUT BY
14 THE DATA.

15 CHAIRMAN EATON: WELL, PERHAPS -- DO YOU HAVE
16 ANYTHING ELSE, MR. PORRAS, ANY OTHER QUESTIONS?

17 MR. PORRAS: NO, THAT'S THE ONLY THING. THE ONLY
18 THING IS, LIKE I SAY, I MEAN, I ALREADY HAVE A GOOD TIRE
19 HAULER THAT -- AND I PLAN ON KEEPING MY PROPERTY CLEAN,
20 BECAUSE IT'S MY PROPERTY NOW. AND I -- I MEAN, THIS IS
21 WHERE I MAKE MY LIVING, SO --

22 CHAIRMAN EATON: BUT YOU UNDERSTAND THAT THE
23 PERMIT REQUIRES YOU TO KEEP YOUR BUSINESS CLEAN WHETHER OR
24 NOT YOU OWN THE PROPERTY OR NOT.

1 MR. PORRAS: YES. YES, I DO.

2 CHAIRMAN EATON: SO THAT'S NOT REALLY RELEVANT
3 THAT YOU OWN THE PROPERTY.

4 I MEAN, I UNDERSTAND THAT PEOPLE WHO OWN
5 PROPERTY TEND TO KEEP IT IN BETTER CONDITION --

6 MR. PORRAS: YEAH.

7 CHAIRMAN EATON: -- THAN WHEN THEY DON'T OWN IT.
8 BUT, YOU HAVE AN OBLIGATION UNDER THE PERMIT -- BUT, SO JUST
9 LET ME JUST FINISH SO -- TO DO THAT. WHAT I'D LIKE TO FIND
10 OUT ONCE YOU'RE FINISHED IS WHAT OUR OPTIONS ARE.

11 WE HAVE -- WHAT? -- SUSPENSION? REVOCATION?

12 MS. SMALL: THE OPTIONS ARE SUSPENSION,
13 REVOCATION, OR YOU CAN CHOOSE TO LEAVE THE PERMIT IN PLACE.
14 YOU CAN ALSO DO A -- THIS IS -- A TEMPORARY SUSPENSION FOR
15 A LIMITED AMOUNT OF TIME.

16 CHAIRMAN EATON: AND WHAT IS THAT TIME FRAME THAT
17 -- WHAT IS THE FLEXIBILITY THAT WE HAVE WITHIN THAT TIME
18 FRAME?

19 MS. SMALL: VIRTUALLY COMPLETE.

20 CHAIRMAN EATON: I MEAN IS IT THAT WE HAVE A 40-
21 DAY -- OR, I MEAN A 60-DAY -- UP TO 60-DAYS WE CAN SUSPEND
22 IT? NINETY, SIX MONTHS? I MEAN, WHAT ARE OUR PARAMETERS?

23 MS. SMALL: THE STATUTE DOESN'T NECESSARILY -- IN
24 THIS PARTICULAR TYPE OF CASE, UNDER THE CASE WHERE YOU DO IT

1 FOR EMINENT
2 DANGER, THERE IS A TIME LIMIT. BUT WHEN YOU'RE DOING ACTUAL
3 HEARING THERE IS NO TIME LIMIT STATED IN THE STATUTE.

4 CHAIRMAN EATON: IS THERE ANY -- UNDER THE STATUTE
5 CAN WE CONDITION ANY REINSTATEMENT?

6 FOR INSTANCE, IF WE WERE TO TAKE A COURSE BY
7 WHICH WE WERE TO SUSPEND THE PERMIT FOR A PERIOD OF TIME,
8 AND THAT THERE WERE CERTAIN CONDITIONS PLACED UPON THAT --
9 WHETHER OR NOT HE WAS ABLE TO UNDERGO SOME ADDITIONAL
10 TRAINING OR UNDERSTANDING OF THE BOARD, OR THOSE TYPES OF
11 PROCESSES BY WHICH HE MIGHT BE ABLE TO UNDERSTAND WHAT'S
12 EXPECTED OF HIM, AND WHAT WE EXPECT OF HIM AS WELL.

13 I DON'T THINK WE HAVE A TIRE-STORING CLASS
14 THAT I REMEMBER. I HAVEN'T SEEN THE GRANT PROPOSAL COME
15 FORWARD YET. BUT, I KNOW WE HAVE A LANDFILL CERTIFICATION
16 PROCESS --

17 MEMBER JONES: OPERATOR CERTIFICATION. WE'LL ADD
18 THIS TO IT.

19 (THE PARTIES SIMULTANEOUSLY SPEAK.)

20 CHAIRMAN EATON: I THINK -- SENATOR ROBERTI, GO
21 AHEAD.

22 MEMBER ROBERTI: I WANT TO GO BACK -- I'VE BEEN
23 LISTENING TO WHAT THE CHAIRMAN IS SAYING, I DO WANT TO GO
24 BACK TO SOMETHING EARLIER.

1 WHY DIDN'T YOU FIND ANOTHER HAULER?

2 MR. PORRAS: WHY I DIDN'T FIND ANOTHER HAULER?
3 THERE -- I TRIED TO LOOK FOR ANOTHER -- THE ONLY HAULER I
4 KNEW OF WAS OXFORD TIRE.

5 MEMBER ROBERTI: WELL, WHAT ABOUT -- ABOUT THE
6 SCRAP TIRE CO-OP --

7 MR. PORRAS: YEAH, THAT'S WHEN I START -- THESE --
8 I THINK -- I KNEW OF THEM IN -- THAT'S THE -- THAT'S WHEN I
9 STARTED SWITCHING TO THEM, THAT WAS IN SEPTEMBER, '98.

10 MEMBER ROBERTI: SEPTEMBER OF '98. AND YOU WERE
11 IN VIOLATION FOR HOW LONG PRIOR TO THAT TIME?

12 MR. PORRAS: TO NOVEMBER, NOVEMBER 13TH.

13 MEMBER ROBERTI: YOU WERE -- WELL, MAYBE STAFF CAN
14 HELP ME. HE -- MR. PORRAS SAYS THAT HE FOUND -- WHAT'S THE
15 NAME OF THE COMPANY? -- SCRAP --

16 MR. PORRAS: TIRE CO-OP.

17 MEMBER ROBERTI: -- TIRE CO-OP IN SEPTEMBER OF
18 '98. ASSUMING THAT HE WAS THERE FOR -- DOING EVERYTHING HE
19 COULD AT THAT POINT TO BE A GOOD CITIZEN, HOW LONG WOULD
20 THAT -- HE HAVE STILL BEEN IN VIOLATION PRIOR TO SEPTEMBER
21 OF '98?

22 MS. SMALL: I THINK WHAT -- IF I UNDERSTAND YOUR
23 QUESTION CORRECTLY, WE DON'T HAVE ANY WAY OF KNOWING HOW
24 LONG HE HAD BEEN IN VIOLATION, BECAUSE OUR INSPECTOR DIDN'T

1 GO OUT UNTIL NOVEMBER WHEN HE HAD ALREADY CONTACTED SCRAP
2 TIRE. AND ACCORDING TO THE DOCUMENTATION SCRAP TIRE STARTED
3 HAULING IN SEPTEMBER, BUT ALL WE CAN DO IS ESTIMATE THAT IT
4 HAD PROBABLY BEEN A COUPLE MONTHS. BUT WE DON'T KNOW HOW
5 OFTEN HE GETS IN TIRES.

6 MEMBER PENNINGTON: MR. CHAIRMAN?

7 CHAIRMAN EATON: MR. PENNINGTON.

8 MEMBER PENNINGTON: CAN I --

9 CHAIRMAN EATON: SURE.

10 MEMBER PENNINGTON: A COUPLE OF THINGS. ONE IS
11 THAT WE'VE HAD TWO ACTIONS AGAINST HIM AS I UNDERSTAND IT.

12 CHAIRMAN EATON: CORRECT.

13 MEMBER PENNINGTON: THE FIRST ACTION RESULTED IN A
14 FINE OF \$5,000 THAT WAS THEN REDUCED BECAUSE HE GOT THE
15 TIRES OFF. IS THAT CORRECT? TO 500?

16 MS. SMALL: THAT IS CORRECT. AND HE OBTAINED THE
17 PERMIT.

18 MR. PORRAS: YEAH, I BELIEVE IT WAS --

19 MEMBER PENNINGTON: AND THEN ON THE SECOND ONE
20 WHAT HAPPENED? WHAT WAS THE RESOLUTION OF THE SECOND --

21 MS. SMALL: ON THE SECOND ONE HE REMOVED THE TIRES
22 BEFORE WE GOT TO HEARING, AND HE PAID A \$300 FINE. AND I
23 WILL SAY THAT MR. PORRAS HAS PAID ALL OF HIS FINES IN FULL.

24 MEMBER PENNINGTON: COULD WE FINE HIM THIS TIME?

1 MS. SMALL: THE STATUTE DOESN'T PROVIDE FOR THAT
2 KIND OF MECHANISM UNDER THIS PARTICULAR SITUATION. HOWEVER,
3 WE ARE PERFECTLY CAPABLE OF FILING A COMPLAINT AGAIN BASED
4 ON HIS PREVIOUS ACTIVITY AND SEEKING A FINE, IF THAT'S WHAT
5 THE BOARD WOULD LIKE TO DIRECT.

6 MEMBER PENNINGTON: WELL, I'M JUST WONDERING, IF
7 THIS -- THIS BOARD COULD NOT -- YOU'RE TELLING ME THAT THIS
8 BOARD, THEN, COULD NOT SET A FINE FOR HIS VIOLATION?

9 MS. SMALL: NOT THE WAY THE STATUTE'S SET UP FOR
10 THIS PARTICULAR HEARING. THIS HAS ONLY BEEN NOTICED AND IS
11 ONLY STATUTORILY AUTHORIZED FOR REVOCATION/SUSPENSION, AND
12 SO IN ORDER TO DO A PENALTY YOU HAVE TO DO A DIFFERENT
13 PROCEEDING.

14 MEMBER PENNINGTON: OKAY.

15 MEMBER JONES: MR. CHAIRMAN?

16 CHAIRMAN EATON: MR. JONES.

17 MEMBER JONES: MR. CAMBRIDGE, HOW OFTEN DO YOU GET
18 DOWN TO VISIT MR. PORRAS? I MEAN, IS IT EVERY TIME YOU
19 VISIT THERE'S A VIOLATION?

20 MR. CAMBRIDGE: EVERY TIME I'VE BEEN THERE, YEAH,
21 THERE HAS BEEN A VIOLATION. BUT I WILL SAY MR. PORRAS HAS
22 BEEN TRYING TO COMPLY EVERY TIME AFTER MY VISIT.

23 MEMBER JONES: OKAY. BECAUSE I -- IT IS -- I
24 WOULD AGREE WITH YOU THAT IF YOU WERE USING OXFORD, AND

1 OXFORD SHUT DOWN IT WOULD BE A LITTLE MIND-BOGGLING TO FIND
2 -- WE'RE FAMILIAR WITH ALL THE TIRE HAULERS, THE TRUTH OF
3 THE MATTER IS EVERYBODY OUT IN THE REAL WORLD THINKS OF
4 OXFORD SOMETIMES LIKE -- YOU KNOW, VERY RARELY TTR, ALTHOUGH
5 THEY'RE STARTING TO GET MORE OF A NAME, BUT THEY'VE ONLY
6 BEEN AROUND A COUPLE -- I MEAN, HOW LONG HAVE THEY BEEN
7 AROUND, THREE YEARS, FOUR YEARS? TTR? OXFORD WAS ALWAYS
8 THE NAME THAT ROLLED OFF EVERYBODY'S TONGUE.

9 FOR YOU TO -- DO YOU HAVE MANIFESTS IN YOUR
10 POSSESSION WHEN OXFORD WAS HAULING THE TIRES AWAY?

11 MR. PORRAS: I HAVE SOME, YEAH.

12 MEMBER JONES: WHAT WAS THE -- WHEN OXFORD WAS
13 HAULING TIRES AWAY HOW OFTEN WERE THEY IN THERE? I MEAN,
14 HOW OFTEN WERE YOU HAVING TIRES HAULED AWAY?

15 MR. PORRAS: MAYBE ONCE A MONTH.

16 MEMBER JONES: ALL RIGHT. AND YOU ARE GETTING --
17 IS THAT ABOUT A THOUSAND TO 1200 TIRES --

18 MR. PORRAS: YEAH.

19 MEMBER JONES: -- THAT WENT OUT?

20 AND HOW MANY TIRES WERE YOU GETTING IN EVERY
21 MONTH FROM WHOEVER YOUR SOURCE IS?

22 MR. PORRAS: WELL --

23 MEMBER JONES: JUST A GUESS.

24 MR. PORRAS: ABOUT 2,000.

1 MEMBER JONES: ALL RIGHT. SO HALF YOU'RE KEEPING
2 AND HALF YOU'RE SENDING AWAY.

3 MR. PORRAS: YEAH, THAT'S ABOUT RIGHT.

4 MEMBER JONES: OKAY. SO YOU QUIT -- OXFORD QUIT
5 COMING TO YOU WHEN?

6 MR. PORRAS: BASICALLY WHEN I START WITH SCRAP
7 TIRE CO-OP THEY DIDN'T WANT TO --

8 MEMBER JONES: WELL, THERE WAS A TIME THAT YOU
9 DIDN'T HAVE --

10 MR. PORRAS: WELL, THEY HAD HAD A TRAILER -- YEAH,
11 THEY HAD HAD A TRAILER THERE FOR FOUR MONTHS AND I KEPT
12 CALLING AND THEY WOULDN'T REMOVE IT.

13 MEMBER JONES: YOU HAD A FULL TRAILER THERE --

14 MR. PORRAS: YEAH.

15 MEMBER JONES: -- THAT THEY WOULD NOT REMOVE?

16 MR. PORRAS: YEAH, BECAUSE THEY HAD --

17 MEMBER JONES: FOR FOUR MONTHS?

18 MR. PORRAS: FOUR MONTHS.

19 MEMBER JONES: ALL RIGHT. FOUR MONTHS, 2,000,
20 WOULD BE 8,000 TIRES, WOULD BE EIGHT OR NINE, THAT'D FALL
21 INTO -- OKAY.

22 HOW DO WE -- YOU KNOW, OUR OPTIONS ARE KIND
23 OF LIMITED. ONE OF THEM IS INCLUDING SHUTTING YOU DOWN. SO
24 THEN I DON'T KNOW HOW YOU PAY FOR THIS PROPERTY YOU JUST

1 BOUGHT.

2 MR. PORRAS: I DON'T KNOW.

3 MEMBER JONES: AND I DON'T KNOW HOW PEOPLE -- I'M
4 ASSUMING THAT THESE USED TIRES IN -- YOU'RE DOWN IN
5 STANISLAUS -- OUTSIDE OF -- YOU'RE IN CROWS LANDING?

6 MR. PORRAS: RIGHT.

7 MEMBER JONES: OUTSIDE OF MODESTO, OR IN THAT
8 AREA.

9 MR. PORRAS: YEAH.

10 MEMBER JONES: YOU FIGURE YOU SELL 500 TIRES A
11 MONTH, 500 -- AROUND 500 TIRES?

12 MR. PORRAS: YEAH.

13 MEMBER JONES: DO YOU MOUNT THEM AND DO ALL THAT
14 STUFF?

15 MR. PORRAS: YEAH.

16 MEMBER JONES: OKAY. AND SO I'M ASSUMING THERE'S
17 -- I HAVE A PRETTY GOOD IDEA OF -- OKAY.

18 SO HOW DO WE -- HOW DO YOU GET THE MESSAGE?
19 I MEAN, HOW DO YOU UNDERSTAND -- I MEAN, HOW DO WE GET YOU,
20 WITHOUT SHUTTING YOUR BUSINESS DOWN, TO UNDERSTAND THAT
21 THERE IS A HEALTH AND SAFETY PROBLEM HERE, THAT THERE'S A
22 FIRE PROBLEM HERE THAT IF YOU DON'T COMPLY WITH IT YOU'RE
23 GOING TO LOSE YOUR -- YOU'RE GOING TO LOSE THE RIGHT TO
24 BRING IN TIRES.

CALIFORNIA SHORTHAND REPORTING

1 MR. PORRAS: YEAH, I ALREADY GOT THE MESSAGE.

2 MEMBER JONES: REALLY?

3 MR. PORRAS: YEAH.

4 MEMBER JONES: OKAY. '95, WHEN THE REGS CAME OUT,
5 IT TOOK A WHILE TO GET THAT DONE.

6 MR. PORRAS: YEAH, THE -- IN '95 I THINK WHEN I
7 FIRST -- I THINK THAT'S WHEN EVERYTHING STARTED COMING IN,
8 AND IT WAS NEW.

9 MEMBER JONES: IT WAS NEW.

10 MR. PORRAS: YEAH, YOU KNOW. AND IT WAS THE FIRST
11 TIME I'VE HEARD OF IT. BEFORE I WAS JUST DEALING WITH THE
12 FIRE DEPARTMENT --

13 MEMBER JONES: RIGHT.

14 MR. PORRAS: -- TELLING ME KEEP LANES AND, YOU
15 KNOW, THEY WERE FINE, THEY'D COME OVER THERE TWICE A YEAR,
16 SOMETHING LIKE THAT. AND THEN THERE WAS A NEW LAW --

17 MEMBER ROBERTI: MR. CHAIRMAN, IN MY MIND, THOUGH,
18 IT COMES DOWN TO THIS, IS WHAT WOULD AN EQUITABLE VOTE WOULD
19 BE. IF YOU WERE ACCUMULATING THE TIRES, MR. PORRAS, IN
20 ORDER JUST TO BUILD UP YOUR INVENTORY, WHETHER YOUR HAULER
21 HAD A PROBLEM PICKING IT UP OR NOT, THEN I THINK I HAVE TO
22 VOTE TO PUT YOU OUT OF BUSINESS, AS SYMPATHETIC AS I AM TO
23 YOUR SITUATION.

24 IF, HOWEVER, YOU'RE ACCUMULATING THE TIRES

1 BECAUSE YOUR HAULER ISN'T PICKING THEM UP AND YOU'RE STUCK
2 IN A SORT OF CATCH-22, THAT YOU GO OUT OF BUSINESS BECAUSE
3 YOUR HAULER'S NOT PICKING UP THE TIRES AND YOU CAN'T -- AND
4 YOU CAN'T STAY IN BUSINESS IF ALL YOU'VE GOT ARE DIRTY
5 TIRES, OR OLD TIRES, WHATEVER WE CALL THEM, THEN THAT'S NOT
6 QUITE FAIR TO PUT YOU OUT OF BUSINESS THROUGH NO FAULT OF
7 YOUR OWN.

8 RIGHT NOW I THINK MY DATA IS INCOMPLETE AS TO
9 WHAT THE FACTS ARE. AND IF WHAT YOU HAD IN INVENTORY WERE
10 ESSENTIALLY GOOD TIRES, IN EXCESS OF THE AMOUNT AFTER A
11 SECOND TIME THAT YOU HAVE BEEN FINED, THEN I DON'T HAVE ANY
12 PROBLEM VOTING TO REVOKE YOUR PERMIT. BUT IF WHAT YOU
13 ESSENTIALLY HAD ON YOUR PROPERTY WERE OLD TIRES THAT YOU
14 COULDN'T GET RID OF BECAUSE THE ONLY HAULER THAT COMES TO
15 YOUR MIND, AND TO MOST PEOPLE'S MINDS, IS --

16 MEMBER JONES: OXFORD.

17 MEMBER ROBERTI: I'VE TOTALLY LOST IT --

18 MEMBER JONES: OXFORD.

19 MEMBER ROBERTI: OXFORD, YES. THEN I DON'T THINK
20 I COULD IN CONSCIENCE VOTE TO PUT YOU OUT OF BUSINESS.

21 MY DATA'S INCOMPLETE, MR. CHAIRMAN.

22 CHAIRMAN EATON: I GOT YOU. AND I THINK IF THERE
23 -- I'VE GOT A PROPOSAL AFTER MR. PENNINGTON, WHO IS WILLING
24 TO SPEAK, WHICH MAY HELP SOLVE BOTH -- I SHARE THE SAME

1 SIMILAR CONCERNS.

2 MR. PENNINGTON.

3 MEMBER PENNINGTON: I JUST WAS THINKING OF TWO
4 POSSIBLE OPTIONS. ONE IS, COULD WE PUT HIM ON PROBATION.
5 AND IF WE CAN'T DO THAT CAN WE SUSPEND HIS LICENSE AND THEN
6 SUSPEND OUR ACTION?

7 CHAIRMAN EATON: I THINK WE'RE ALL THINKING ALONG
8 THE SAME LINES. AND ONE OF THE THINGS THAT WOULD BE IS THAT
9 PERHAPS WE CAN TAKE THE ACTION TO SUSPEND OR REVOKE THE
10 PERMIT I GUESS IS THE --

11 MEMBER PENNINGTON: REVOKE AND THEN SUSPEND OUR
12 ACTION.

13 CHAIRMAN EATON: AND SUSPEND OUR ACTION. BUT IT
14 WOULD BE CONDITIONED -- AND I THINK THIS GOES ALONG THE
15 LINES OF BOTH MR. JONES AND SENATOR ROBERTI -- THAT WE WOULD
16 CONDUCT AN INSPECTION ON A DATE CERTAIN, LET'S JUST SAY
17 HYPOTHETICALLY THIS COMING MONDAY, BY WHICH THE MANIFESTS
18 AND ALL OF THE OTHER THINGS WOULD BE GONE THROUGH --

19 MEMBER JONES: RIGHT.

20 CHAIRMAN EATON: AND THEN IF -- IN ADDITION TO THE
21 MANIFESTS, IF THERE WERE ANY VIOLATIONS YOU WOULD HAVE TWO
22 WEEKS BY WHICH TO -- OR WHATEVER TIME IS REASONABLE, TO
23 RESOLVE THOSE VIOLATIONS BASED UPON THE INSPECTION. IF THAT
24 WERE NOT THE CASE THEN YOU WOULD -- YOUR LICENSE WOULD

1 AUTOMATICALLY BE REVOKED.

2 AND IF IT IS NOT REVOKED THEN, IN ADDITION, I
3 BELIEVE ONE OF THE COURSE OF ACTION WE WOULD LIKE TO SEE, TO
4 PREVENT THE FUTURE BEHAVIOR, IS THAT WE WOULD GET EVERY
5 MANIFEST SENT TO THE APPROPRIATE DEPARTMENT HERE OF EVERY
6 LOAD OF TIRES COMING IN AND EVERY LOAD OF TIRES GOING OUT
7 FOR A DATE CERTAIN, WHETHER THAT BE THREE MONTHS, SIX MONTHS
8 OR NINE MONTHS.

9 NOW, I CAN BREAK THAT DOWN FOR COUNSEL IF YOU
10 WANT TO TAKE A FEW MINUTES TO KIND OF DISCUSS IT AND WE CAN
11 JUST TAKE A FEW-MINUTE BREAK TO SEE IF THERE'S ANY
12 ADDITIONAL KINDS OF --

13 MEMBER ROBERTI: THE ONLY OTHER ADDITION THING, IF
14 WE DO SUSPEND -- IF WE DID VOTE TO SUSPEND HIS LICENSE WE
15 WOULD THEN HAVE TO -- MAYBE A BETTER WORD WOULD BE
16 PROBATION.

17 I'M ON, I'M ON THIS TIME. I'M ON THIS TIME.

18 A BETTER WORD WOULD BE PROBATION BECAUSE WE
19 DON'T WANT HIM OPERATING ILLEGALLY, IS WHAT I --

20 MEMBER JONES: MR. CHAIRMAN?

21 CHAIRMAN EATON: MR. JONES.

22 MEMBER JONES: JUST I AGREE WITH WHAT THE
23 CHAIRMAN'S SAYING AND HOW WE'RE GOING TO WORK THIS OUT. BUT
24 WOULD A BETTER -- WOULD A MORE MANAGEABLE WAY TO DO THIS BE

1 A COMPLIANCE PLAN THAT WOULD BE PUT TOGETHER AS A CONDITION
2 OF HIS PERMIT? LIKE A NOTICE AND --

3 CHAIRMAN EATON: SURE.

4 MEMBER JONES: -- I MEAN LIKE JUST SOMETHING
5 ADMINISTRATIVELY THAT LAYS OUT THE CONDITIONS IN A
6 COMPLIANCE PLAN THAT WOULD BE SIMILAR TO A NOTICE AND ORDER.

7 DO YOU HAVE NOTICE AND ORDERS IN TIRE REGS?

8 MS. SMALL: WE HAVE CLEANUP AND ABATEMENT ORDERS.

9 CHAIRMAN EATON: BUT THE HEARING IS SUCH THAT IT
10 MAY -- WE'RE IN THE SAME SITUATION AS FINES?

11 MS. SMALL: ACTUALLY YOU CAN DIRECT STAFF TO DO A
12 CLEANUP AND ABATEMENT ORDER THAT WOULD SET FORTH A
13 COMPLIANCE PLAN AND YOU COULD --

14 MEMBER PENNINGTON: BUT HE'S ALREADY CLEANED IT
15 UP.

16 MEMBER JONES: HE'S ALREADY CLEANED IT UP.

17 MS. SMALL: RIGHT. A COMPLIANCE PLAN AS FAR AS
18 COMPLYING WITH THE TERMS OF THE PERMIT.

19 MEMBER JONES: OKAY.

20 MS. SMALL: AND SUSPEND YOUR REVOCATION ACTION
21 UNTIL YOU FEEL THAT YOU EITHER WANT TO ENACT IT OR --

22 CHAIRMAN EATON: SENATOR ROBERTI?

23 MEMBER ROBERTI: I ACTUALLY WOULD LIKE -- I'D LIKE
24 TO GO BACK TO MR. JONES' PRIOR SUGGESTION, THAT WE SEEN THE

1 MANIFESTS FIRST --

2 MEMBER JONES: CORRECT.

3 MEMBER ROBERTI: -- BEFORE WE EVEN DISCUSS
4 PROBATION. BECAUSE IF THE CASE IS THAT HE WAS JUST
5 ACCUMULATING WASTE TIRES BECAUSE HE HAD NO WAY TO GET RID OF
6 THEM, YOU KNOW, WELL, TECHNICALLY HE SHOULDN'T BE DOING
7 THAT, BUT THAT'S A LOT MORE BENIGN AN ACTION THAN BUILDING
8 UP AN INVENTORY. AND WE DON'T KNOW.

9 CHAIRMAN EATON: I WILL TEL YOU THAT -- LET ME
10 MAKE ONE OTHER SUGGESTION. WE DO HAVE A HEARING NEXT WEEK
11 ON MAY 6TH WHICH WE ARE GOING TO HEAR SEVERAL ITEMS AS IT
12 RELATES TO BASE YEAR ADJUSTMENT, NOW WE HAVE I BELIEVE ONE
13 CONTINUED ACTION AS IT RELATES TO KIEFER LANDFILL.

14 THAT MAYBE WHAT WE DO IS, IF IT MEETS WITH
15 COUNSEL APPROVAL, IS WE CONTINUE THIS HEARING UNTIL SUCH
16 TIME -- BUT IN THE MEANTIME STAFF WOULD BE INSTRUCTED TO GO
17 DOWN AND OBTAIN -- DO ANOTHER INSPECTION OF THE PROPERTY AND
18 KNOW -- I MEAN, FIRST TO FIND OUT IF, INDEED, CLEANUP HAS
19 TAKEN PLACE. I MEAN, WE DO HAVE -- GO THROUGH THE MANIFESTS
20 AS WE MIGHT DIRECT THEM TO BE. AND THEN AT THAT POINT MAKE
21 AN EVALUATION, HOPEFULLY HAVE MORE DATA, AND THEN PROCEED
22 THAT WAY. AND THAT WOULD BE -- I'M JUST -- AS A DISCUSSION
23 POINT WITHOUT MAKING IT A MOTION YET.

24 BUT I FIRST WANT TO FIND OUT, ONE, I GUESS,

1 CAN WE CONTINUE THE HEARING AND, TWO, CAN WE INSTRUCT THE
2 STAFF AND THEN SET THE CRITERIA?

3 AND THEN I WANT TO EXPLAIN TO YOU WHAT WE
4 WOULD BE DOING HERE.

5 MR. PORRAS: OKAY.

6 CHAIRMAN EATON: SO, I MEAN --

7 MEMBER JONES: THAT'S A GOOD SOLUTION I THINK.
8 I'D LIKE TO SEE THE MANIFESTS, COPIES OF THOSE -- OF THE
9 OXFORD MANIFESTS ARE THE ONES I'M TALKING ABOUT.

10 CHAIRMAN EATON: BUT DO YOU WANT TO SAY -- WE
11 SHOULD JUST HAVE ALL THE MANIFESTS --

12 (THE PARTIES SIMULTANEOUSLY SPEAK.)

13 CHAIRMAN EATON: -- JUST PICK AND CHOOSE -- THE
14 FULL PICTURE, I THINK WE HAVE....

15 IF YOU WANT TO SET A DATE CERTAIN -- WHEN DID
16 YOU FIRST DO THE OXFORD -- THAT'S ONLY BEEN, WHAT, A YEAR OR
17 SO?

18 MR. PORRAS: YEAH.

19 MS. SMALL: IT MIGHT BE APPROPRIATE TO HAVE HIM --

20 CHAIRMAN EATON: SO MUCH FOR THE SHORTAGE OF TIRES
21 ON THE OPEN MARKET.

22 MS. SMALL: TO HAVE HIM SUPPLY MANIFESTS FOR 1998,
23 WHICH WOULD COVER PROBABLY THREE OR FOUR MONTHS OF OXFORD
24 HAULING, THREE OR FOUR MONTHS OF NO HAULING, AND THEN THE

1 SCRAP CO-OP.

2 CHAIRMAN EATON: SO FROM 1998 TO THE PRESENT? AND
3 THIS IS JUST FOR DISCUSSION PURPOSES HERE.

4 MS. SMALL: RIGHT. IF HE COULD SUPPLY THOSE. I'M
5 SUGGESTING THAT THAT MIGHT BE DEMONSTRATIVE OF WHAT ACTUALLY
6 HAPPENED.

7 CHAIRMAN EATON: OKAY. SECOND, WITH REGARD TO
8 STAFF'S ABILITY TO GO DOWN AND DO THEIR INSPECTION, YOUR
9 BAGS PACKED TOMORROW?

10 MR. CAMBRIDGE: THAT CAN BE ARRANGED.

11 CHAIRMAN EATON: WELL, IS THAT SOMETHING, TO
12 CONDUCT AN INSPECTION TOMORROW?

13 MR. CAMBRIDGE: YEAH.

14 MEMBER PENNINGTON: YOU'VE GOT THE INVOICES, YOU
15 CAN GET TO THEM IN THE --

16 MEMBER JONES: MANIFESTS.

17 MEMBER PENNINGTON: YOU'VE GOT THE MANIFESTS, YOU
18 CAN GET TO THEM RIGHT AWAY, I MEAN --

19 MR. PORRAS: YEAH, I SHOULD BE ABLE TO GET TO
20 THEM.

21 MEMBER PENNINGTON: OKAY.

22 MR. PORRAS: THE ONES FROM OXFORD?

23 CHAIRMAN EATON: NO, WE WANT EACH --

24 MR. PORRAS: OH, THE ONES I'VE GOT FROM SCRAP

1 TIRE?

2 MEMBER PENNINGTON: BOTH.

3 CHAIRMAN EATON: WE WANT EVERYTHING FROM -- ALL
4 THE MANIFESTS, IT'S MY UNDERSTANDING, OF WHAT CAME IN AND
5 WHAT WENT OUT FROM THE YEARS 1998 TO THE PRESENT.

6 IF I'M NOT -- IS THAT --

7 MS. SMALL: I WOULD SUGGEST, FROM SURVEYING MR.
8 PORRAS' SITE MYSELF, THAT IT WOULD PROBABLY BE MORE FRUITFUL
9 TO WAIT UNTIL THE BEGINNING OF NEXT WEEK, WHEN HE'S HAD TIME
10 TO SEE WHAT HE HAS AND WHAT HE DOESN'T HAVE TO GET COPIES OF
11 FROM THE SCRAP TIRE CO-OP.

12 CHAIRMAN EATON: OKAY. SO THE INSPECTION -- AND
13 THIS IS JUST FOR PURPOSES OF DISCUSSION -- WOULD TAKE PLACE
14 ON MONDAY. IF I'M NOT MISTAKEN THAT'S MAY 3RD. OKAY?

15 ANY OTHER ITEMS THAT THE BOARD MEMBERS MIGHT
16 LIKE TO SEE, OTHER THAN MANIFESTS?

17 MEMBER JONES: JUST ONE QUICK THING. I DON'T KNOW
18 HOW -- I KNOW THAT THE DIRECTION WAS TO INCLUDE MANIFESTS
19 FOR THOSE SIX COMING IN, AS WELL AS GOING OUT. I'M NOT SURE
20 THERE'S -- I THINK WE HAVE TO ASK HIM IF THERE'S MANIFESTS
21 COMING IN, HE MAY NOT HAVE --

22 MR. PORRAS: YEAH, I DON'T HAVE HARDLY ANY COMING
23 IN.

24 MEMBER JONES: BUT YOU HAVE A RECORD --

1 MR. PORRAS: I HAVE ALL -- YEAH, I HAVE ALL THE
2 ONES GOING OUT, YEAH.

3 MEMBER JONES: BECAUSE THAT WOULD BE THE WAY THAT
4 THE SYSTEM WOULD WORK, IS AS IT LEAVES, NOT SO MUCH AS IT
5 COMES IN.

6 SO I JUST -- IT WOULD BE NICE, THOUGH, IF WE
7 HAD SOME KIND OF AN IDEA OF WHAT YOU RECEIVED SO THAT WE CAN
8 -- HOPEFULLY WE'RE GOING TO TRY TO PUT A TIME LINE TOGETHER
9 HERE TO SEE --

10 MEMBER ROBERTI: WELL, WOULDN'T HE HAVE --
11 WOULDN'T THERE BE SOME MANIFEST TELLING US THE NUMBERS WE
12 WANT TO SEE? I DON'T KNOW THE TECHNICALITY. WHAT I WANT
13 ARE BILLS, RECEIPTS, BILLS OF LADING, WHATEVER THE --
14 WHATEVER, MANIFESTS, WHATEVER THE WORD IS, TO TELL US WHAT
15 HE WAS TAKING IN AND THEN HOPEFULLY WHAT THE TYPE OF TIRE
16 WAS. I THINK MR. PORRAS INDICATED THAT ROUGHLY ON ANY
17 DELIVERY IT'S LIKE 50 -- I DON'T REMEMBER WHAT HE SAID, 50
18 PERCENT GOOD TIRES AND 50 PERCENT WASTE. MAYBE THERE'S
19 SOMETHING -- THERE'S SOME INDICATORS.

20 CHAIRMAN EATON: MR. PORRAS, LET ME JUST ASK THIS
21 QUESTION. AND I DON'T WANT THE NAME OF THE PERSON WHO
22 SUPPLIES YOU WITH YOUR TIRES.

23 MR. PORRAS: YEAH.

24 CHAIRMAN EATON: BUT THERE IS -- YOU MENTIONED AT

1 THE BEGINNING OF THIS HEARING THAT THERE WAS ONE SOURCE THAT
2 YOU RECEIVE THESE TIRES FROM.

3 MR. PORRAS: YEAH.

4 CHAIRMAN EATON: ONLY ONE SOURCE.

5 MR. PORRAS: YEAH.

6 CHAIRMAN EATON: IS THAT CORRECT?

7 MR. PORRAS: CORRECT.

8 CHAIRMAN EATON: OKAY. WHAT I WOULD LIKE FOR YOU
9 TO DO, AS WE GET THROUGH HERE, IS TO DIVULGE THAT NAME TO
10 THE APPROPRIATE STAFF PERSON, AND THEN THAT STAFF PERSON CAN
11 GO BACK AND TRACK --

12 MEMBER JONES: VERY GOOD.

13 CHAIRMAN EATON: -- THOSE MANIFESTS FROM THAT
14 HAULER, AND THEN THAT I THINK WOULD GIVE YOU -- IF THE
15 SYSTEM IS ONLY AN OUT SYSTEM OF TRACKING, THEN SOMEONE HAS
16 HAD -- AND IT'S ONLY ONE SOURCE, SO WE'RE NOT ASKING THAT WE
17 HAVE A HUNDRED DIFFERENT KINDS OF SOURCES COMING, THAT WE
18 HAVE ONE SOURCE COMING IN, THAT SHOULD GIVE US THE INCOMING,
19 SO TO SPEAK, AND THEN HOPEFULLY WHATEVER HE HAS ON HIS
20 REGULAR RECORDS OF WHAT'S COMING OUT.

21 MR. PORRAS: YEAH, THE MOST THING I WORRY ABOUT IS
22 WHO'S TAKING THEM OUT, BECAUSE, YOU KNOW, THAT'S WHAT I
23 WORRY ABOUT, WHO'S -- THAT THEY'RE GOING TO A LEGAL PLACE,
24 BECAUSE I DON'T WANT TO GET FINED OR ANYTHING. THAT'S WHAT

1 --

2 CHAIRMAN EATON: BUT YOU HAVE TO WORRY -- YOU SEE,
3 THAT'S THE POINT, YOU HAVE TO WORRY ABOUT WHAT'S COMING IN
4 BECAUSE YOUR PERMIT ONLY ALLOWS YOU SO MANY AT ONE PERIOD OF
5 TIME.

6 MR. PORRAS: OKAY.

7 CHAIRMAN EATON: I MEAN, THAT'S THE BASIC --

8 MR. PORRAS: I UNDERSTAND.

9 CHAIRMAN EATON: -- PREMISE HERE FOR YOUR PERMIT,
10 UNLESS YOU GO TO A DIFFERENT TYPE OF PERMIT WHICH ALLOWS YOU
11 MORE.

12 MR. PORRAS: I UNDERSTAND.

13 CHAIRMAN EATON: OKAY. SO --

14 MR. PORRAS: I'VE GOT TO FIND OUT HOW MANY --

15 CHAIRMAN EATON: -- YOU HAVE TO CARE ABOUT WHAT'S
16 COMING IN.

17 MR. PORRAS: OKAY.

18 CHAIRMAN EATON: SO, BUT I WANT TO FIRST FIND OUT
19 IF IT'S NOT A, YOU KNOW, LOGISTICAL NIGHTMARE FOR THE STAFF
20 AND -- AND DO WE RUN INTO ANY OTHER COMPLICATIONS.

21 MR. CAMBRIDGE: NO, THERE'S NO PROBLEM. I'LL DO
22 AN INSPECTION OF THE FACILITY, DOCUMENT ALL THE MANIFESTS
23 THAT I CAN, SHOWING THE REMOVAL OF TIRES AS WELL AS TIRE
24 COMING IN, AND TALK TO THE SOURCE TO DOCUMENT THAT AS WELL.

1 MEMBER JONES: MR. CHAIRMAN, ONE QUESTION?

2 CHAIRMAN EATON: MR. JONES.

3 MEMBER JONES: IF IN THE COURSE OF THIS -- I'M
4 JUST TRYING TO GIVE OURSELVES AN OUT -- IF WE CAN'T GET ALL
5 THIS DONE IN TIME FOR MAY 6TH COULD IT BE CONTINUED, MAY 6TH
6 TO MAY 25TH? IF THEY DON'T GET ALL THIS DONE, BECAUSE WE'RE
7 PUTTING A LOT OF THE BURDEN ON STAFF, AND IF THEY CAN'T GET
8 THE TRACKING ALL PUT TOGETHER, DO WE -- ARE WE TIME-CERTAIN
9 ON THE 6TH, OR DO WE WANT TO GIVE OURSELVES THE OPPORTUNITY
10 THAT IF THEY DON'T GET IT DONE TO BRING IT UP IN THAT SECOND
11 -- I MEAN, THAT OTHER BOARD MEETING IN MAY? I'M JUST
12 ASKING, I DON'T CARE. I JUST --

13 CHAIRMAN EATON: I THINK YOU DO CARE.

14 MEMBER JONES: WELL, I JUST --

15 CHAIRMAN EATON: BECAUSE IT'S YOUR BIRTHDAY WE'LL
16 GIVE YOU THE COURTESY -- NO.

17 I THINK THAT STAFF SHOULD -- WHAT IS
18 REASONABLE FOR YOU TO COMPLETE YOUR TASK? AND IF YOU CAN
19 GIVE THAT -- IF IT'S EASIER, WE OUGHT TO CONTINUE IT TO A
20 DATE CERTAIN WHERE WE CAN HAVE THE INFORMATION RATHER THAN
21 JUST KEEP CONTINUING IT.

22 BUT, YOU KNOW, WE WOULD CONTINUE TO HAVE
23 TIRES TAKEN IN DURING THIS TIME, DON'T FORGET --

24 MEMBER JONES: RIGHT. RIGHT, RIGHT.

1 CHAIRMAN EATON: -- AND WE MAY NOT HAVE TIRES
2 TAKEN OUT, SO WE MAY MAKE AN ALREADY BAD SITUATION WORSE.
3 SO I JUST WANT TO SAY, DO WE FEEL FAIRLY CONFIDENT THAT THIS
4 CAN OCCUR, AND IF NOT, THEN WE NEED TO KNOW NOW. I THINK
5 THAT'S THE MOST PRUDENT WAY TO PROCEED, IS LET'S GIVE
6 OURSELVES EITHER SUFFICIENT TIME NOW, OR WAIT.

7 MR. CAMBRIDGE: I HAVE NO PROBLEM MEETING THAT
8 CRITERIA. HOWEVER, IT'S TO MR. PORRAS WHETHER HE CAN
9 DOCUMENT ALL THOSE PAPERWORKS IN THAT TIMELY MANNER.

10 CHAIRMAN EATON: WELL, MR. PORRAS, LET ME ASK YOU,
11 DO YOU UNDERSTAND WHAT WE'RE ASKING? DO YOU HAVE THE
12 DOCUMENTATION AT HAND, THAT IF WE WERE TO COME OUT THERE ON
13 MONDAY AS REGARDS THE MANIFESTS FOR ALL OF THE TIRES THAT
14 HAVE GONE OUT YOUR DOOR FROM 1998 THROUGH THE PRESENT? DO
15 YOU HAVE THOSE RECORDS --

16 MR. PORRAS: FOR MONDAY?

17 CHAIRMAN EATON: -- AVAILABLE AND READY? YEAH.

18 MR. PORRAS: FOR MONDAY I SHOULD HAVE THEM READY.
19 FOR MONDAY.

20 MEMBER JONES: THAT'S FINE.

21 CHAIRMAN EATON: OKAY.

22 MR. PORRAS: DO YOU WANT TO GO -- YOU'RE GOING TO
23 GO MONDAY OR...?

24 CHAIRMAN EATON: DO YOU UNDERSTAND WHAT WE'RE

1 DOING HERE? WOULD YOU LIKE ME TO REPEAT IT --

2 MR. PORRAS: I THINK YOU'RE LOOKING FOR THE
3 MANIFESTS OF ALL THE TRAILERS THAT HAVE BEEN -- ALL THE
4 TIRES THAT HAVE BEEN REMOVED.

5 CHAIRMAN EATON: BUT THIS IS A LEGAL PROCEEDING,
6 SO LET ME KIND OF EXPLAIN WHAT I BELIEVE TO BE THE CASE.

7 MR. PORRAS: OKAY.

8 CHAIRMAN EATON: WHAT WE ARE DOING IS, WE ARE IN A
9 PUBLIC HEARING NOW WITH REGARDS YOUR PERMIT. WE ARE GOING
10 TO CONTINUE THIS HEARING TILL NEXT THURSDAY, WHICH IS MAY
11 6TH.

12 MR. PORRAS: SO I COME BACK NEXT THURSDAY, OR --

13 MEMBER JONES: YES.

14 CHAIRMAN EATON: YOU COME BACK NEXT THURSDAY.

15 MR. PORRAS: OKAY. I COME BACK.

16 CHAIRMAN EATON: AND BETWEEN NOW AND NEXT THURSDAY
17 OUR STAFF WILL, ON MONDAY, COME TO YOUR FACILITY AND DO AN
18 INSPECTION.

19 MR. PORRAS: OKAY.

20 CHAIRMAN EATON: THE INSPECTION WILL INCLUDE NOT
21 ONLY A REVIEW OF YOUR MANIFESTS, BUT ANY OTHER, YOU KNOW,
22 PERTINENT INFORMATION AS IT RELATES TO HOW MANY TIRES ARE
23 THERE, YOUR ASSERTIONS THAT YOU HAVE CLEANED UP, AND THAT
24 YOU ARE NOW WITHIN THE PROPER RANGE PER YOUR PERMIT, AND ALL

1 THE OTHER CONDITIONS OF YOUR PERMIT ARE IN GOOD STANDING OR
2 ARE WITHIN THE CONDITIONS OF YOUR PERMIT.

3 MR. PORRAS: OH, I UNDERSTAND. I UNDERSTAND.

4 CHAIRMAN EATON: OKAY. I JUST WANT TO MAKE SURE
5 BECAUSE, YOU KNOW, YOU'RE NOT --

6 MR. PORRAS: MAKE SURE, YEAH.

7 CHAIRMAN EATON: -- OFF THE HOOK AT ALL.

8 MR. PORRAS: I KNOW.

9 CHAIRMAN EATON: IF FOR ONE REASON OR ANOTHER
10 THOSE MANIFESTS ARE NOT AVAILABLE SO THAT WE CAN MAKE A
11 DETERMINATION, IF THERE'S INSUFFICIENT DATA AND/OR THERE ARE
12 ADDITIONAL VIOLATIONS, OR SOME OF THE ASSERTIONS THAT WERE
13 MADE HERE ARE FOUND NOT TO BE THE CASE, THEN ON THAT
14 THURSDAY WE WILL TAKE WHATEVER ACTION WE DEEM APPROPRIATE.

15 MR. PORRAS: I UNDERSTAND.

16 CHAIRMAN EATON: SO THIS IS A PRETTY SERIOUS
17 SITUATION HERE.

18 MR. PORRAS: I KNOW.

19 CHAIRMAN EATON: AND --

20 MR. PORRAS: I HAVE TO COME UP WITH ALL THE
21 MANIFESTS, RIGHT?

22 CHAIRMAN EATON: UM-HUM. YES. WHAT WE ARE
23 LOOKING FOR, SOME ADDITIONAL DATA AS TO, YOU KNOW, WHAT YOUR
24 SITUATION IS, AND SOME OF THE ASSERTIONS THAT YOU HAVE MADE.

1 ANY OTHER -- DOES THAT -- ANY OTHER
2 REQUIREMENTS THAT WE -- MS. SMALL?

3 MS. SMALL: NOT THAT I CAN THINK OF. I WILL -- I
4 WOULD LIKE TO CAUTION THE BOARD THAT I BELIEVE -- MR.
5 CAMBRIDGE BELIEVES, I DISAGREE, BUT HE BELIEVES THAT OUR
6 HEARING WITH MR. COFER IS ON THE 6TH, I THINK IT'S THE 13TH.
7 BUT IF IT IS THE 6TH WE WILL NEED TO GO TO THE NEXT BOARD
8 MEETING.

9 CHAIRMAN EATON: WE DON'T HAVE A 13TH -- WE DON'T
10 HAVE A MEETING ON THE 13TH. DO WE HAVE A SEPARATE MEETING -
11 -

12 MS. SMALL: NO, I MEAN OUR HEARING AGAINST MR.
13 COFER FOR PENALTIES I BELIEVE IS ON THE 13TH, MR. CAMBRIDGE
14 BELIEVES IT'S ON THE 6TH, I DON'T HAVE MY CALENDAR WITH ME.
15 BUT IF IT IS ON THE 6TH HE WON'T BE HERE.

16 MS. TOBIAS: -- SAYS THE 13TH.

17 MS. SMALL: OH, IT IS THE 13TH? OKAY, THEN WE
18 DON'T HAVE A PROBLEM. THANK YOU.

19 CHAIRMAN EATON: -- CALENDARS. OKAY.

20 LET ME ASK COUNSEL FOR SOME DIRECTION. THE
21 ACTION THAT THE BOARD HAS TO TAKE TODAY IS JUST A SIMPLE
22 CONTINUANCE, AND STATE FOR THE RECORD THE CONDITIONS BY
23 WHICH THE CONTINUANCE IS BEING PUT FORTH?

24 MS. TOBIAS: CORRECT.

1 CHAIRMAN EATON: OKAY. IS THERE A VOTE REQUIRED?

2 MS. TOBIAS: I THINK IT'S SUFFICIENT THAT THE
3 DISCUSSION WILL SHOW THAT EVERYBODY'S IN AGREEMENT ON THIS,
4 AND THAT YOUR VOTE WILL BE TAKEN WHEN YOU ACTUALLY TAKE THE
5 ACTION.

6 CHAIRMAN EATON: OKAY.

7 MEMBER PENNINGTON: FOR THE RECORD, MR. CHAIRMAN,
8 I'M IN FAVOR OF THE CONTINUANCE.

9 CHAIRMAN EATON: OKAY.

10 MEMBER JONES: YEAH, FOR THE RECORD, SO AM I.

11 CHAIRMAN EATON: WELL, THEY'RE ALL IN FAVOR OF THE
12 CONTINUANCE --

13 MEMBER ROBERTI: YEAH.

14 CHAIRMAN EATON: YEAH, ALL RIGHT. SO IT IS WITH
15 UNANIMITY -- HMM, THERE'S A WORD FOR YOU THAT YOU DIDN'T
16 BRING UP ON YOUR BIRTHDAY TODAY -- THAT -- THAT'S A
17 BUREAUCRATIC TERM, BY THE WAY.

18 MEMBER JONES: YOU'LL NEVER HEAR ME SAY THAT WORD.

19 CHAIRMAN EATON: ANYWAYS, THAT WE WILL CONTINUE
20 THE HEARING ON THE REVOCATION OF ECONOMY TIRE SERVICE MINOR
21 WASTE TIRE FACILITY, AND THAT DURING -- TO MAY 6TH, THURSDAY
22 NEXT, MAY 6TH. AND WHAT WE WILL DO IS TO -- IN THE
23 AFTERNOON, OKAY? -- WILL BE AT APPROXIMATELY 2:00 P.M., SO
24 THAT WOULD GIVE YOU AN OPPORTUNITY TO COME UP, WE HAVE SOME

1 OTHER BUSINESS ON THE BOARD. AND THAT AS -- AND DURING THE
2 TIME THAT THE CONTINUANCE IS IN EFFECT, THAT WE WILL CONDUCT
3 AN INSPECTION AND THAT YOU WILL MAKE ALL RECORDS AVAILABLE
4 THAT YOU HAVE, AND INCLUDING ALL MANIFESTS, BOTH IN AND OUT,
5 THAT YOU MAY HAVE IN YOUR POSSESSION, AND AN INSPECTION BY
6 THERE -- AND ANY INFORMATION THAT YOU DEEM APPROPRIATE.
7 UNDERSTOOD?

8 MR. PORRAS: UNDERSTOOD.

9 CHAIRMAN EATON: OKAY. WITH THAT WE CAN -- MS.
10 SMALL, GO AHEAD.

11 MS. SMALL: THANK YOU VERY MUCH FOR YOUR TIME.
12 AND I WOULD LIKE TO STATE FOR THE RECORD THAT WE ARE KEEPING
13 THE RECORD OPEN THROUGH THE CONTINUANCE.

14 CHAIRMAN EATON: CORRECT. THANK YOU.

15 ALL RIGHT, MEMBERS, THAT SEEMS TO COMPLETE
16 TODAY'S BUSINESS. AND WE WILL STAND ADJOURNED UNTIL 9:30
17 TOMORROW MORNING WHEN WE WILL BEGIN THE SECOND DAY OF OUR
18 BOARD MEETING. THANK YOU.

19 (WHEREUPON, THESE PROCEEDINGS WERE ADJOURNED AT
20 3:00 O'CLOCK P.M.)

21 - - - -